

Impact Assessment support study for the revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences

Stakeholder Consultation Report

Client: European Commission - DG MOVE

Rotterdam/Brussels/Luxembourg, 3 June 2022



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1 Introduction

This is the Stakeholder Consultation Report for the study “Impact Assessment Support Study for the revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences” (hereafter, the ‘study’), reference MOVE/C.2/2019-425. The report is submitted by Ecorys, Grimaldi Studio Legale, Wavestone and COWI.

This report provides a summary to the outcomes of the stakeholder consultation activities that were carried out as part of the impact assessment on the possible revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences (hereafter, the “CBE Directive”).

During the study, a combination of targeted and non-targeted methods were used to gather information from stakeholders.

The consultation activities carried out are as follows:

- Two rounds of interviews were held;
 - Exploratory interviews during the inception phase (in Q1 and Q2 of 2020) to get acquainted with the topic.
 - In-depth interviews to plug information gaps and assess the expected impacts of policy measures (in Q2 and Q3 of 2021).
- Two rounds of surveys were carried out;
 - A survey to substantiate the problem analysis (Q4 of 2020). This survey was tailored for specific stakeholder groups (also consider Section 1.1), so that four individual surveys were launched.
 - A survey to assess the impact of policy measures (in Q2 and Q3 of 2021).
- Two expert workshops were held;
 - A first expert workshop, on the problems experienced with the current CBE Directive, was held on 26 June 2020.
 - A second workshop, concerning the possible measures and options to address the identified problems, was held on 14 January 2021.

A combination of targeted and non-targeted methods were used to gather information from the stakeholders. A non-random sampling method was used (especially in the case of the survey) to gather the information. Follow-up methods, as well as promotion of the survey through associations (such as ETSC, FIA and the VNG) was undertaken in order to stimulate interest in the surveys and increase the response rate.

Similarly non-random sampling was used for targeted interviews and expert meetings, which had the advantage of being able to target the main stakeholders as well as representatives of groups of stakeholders.

Then by cross-referencing the input from the various sources, e.g. workshops with expert groups, targeted interviews, surveys, etc., the information can be validated and cross-checked to ensure that the gathered information is relevant and representative for the bigger population, as well as filling in any of the information gaps from one activity by information gathered in another. The triangulation activity is further elaborated in Chapter 3.

1.1 Consultation strategy

The consultation strategy was to first conduct some exploratory interviews (activity 1a in section 1.2) to get acquainted with the topic, and hear the views of DG MOVE as well as the views from the identified stakeholder groups (section 2.1). Based on these inputs, and conducted desk research, the problems were identified.

These problems were discussed in a first Expert Workshop on 26 June 2020 (activity 2a in section 1.2). In this workshop, the Study Team also obtained a first idea on the needs and suggestions from stakeholders to address the problems. After the Expert Workshop, the problem analysis was further complemented and the draft measures were (re)defined. As the Study Team obtained a better understanding on the problems, relevant and in-depth questions could be developed to further substantiate the problem analysis (in terms of gathering data to estimate its size). As a result, a first round of surveys was distributed (activity 1b, i in section 1.2).

Parallel to the problem assessment, the policy measures (packaged into policy options) were defined. These policy measures (and options) were discussed during a second Expert Workshop on 14 January 2021 (activity 2b in section 1.2). Based on the inputs obtained during the Expert Workshop, the consultation strategy was slightly adapted as there appeared a need to obtain more information on UVARs implemented in Member States and concerning current experiences with mutual recognition of driving disqualifications in Member States. As a result, two additional surveys were carried out (activity 3 in section 1.2).

Finally, the plug some gaps in the problem analysis and to obtain information on the expected impacts, a round of targeted interviews was conducted (activity 1b, ii in section 1.2). Shortly after, a survey was launched to further substantiate the assessment of impacts (activity 1c in section 1.2).

The study team identified the Open Public Consultation as an appropriate tool to obtain insights on the functioning of the CBE Directive from a road user perspective (in terms of information available to road users, experiences with penalty notices sent from other Member States, experience with debt collection companies, ...).

1.2 Tools used and activities

The stakeholder consultation activities constitute the main tools for evidence gathering from stakeholders.

These activities were:

- I. Targeted consultation (Surveys and Interviews):
 - a. Exploratory interviews (Annex I). 4 Interviews were executed¹ and 4 written responses were provided through Leaseurope. The exploratory interviews were held in [February and March 2020](#).
 - b. Stage 1: Problem definition and baseline development: a first round of surveys (Annex II) to substantiate the problem analysis and to obtain (quantitative) information for the baseline development. The surveys were carried out in the period [November-December-January 2020/2021](#).

¹ The original plan was to execute 7 exploratory interviews, however, as this was right at the start of the COVID-19 crisis in March 2019, plans were rescheduled to later in the study.

Because of the holiday period, the surveys remained open for 8 weeks. Different versions of the survey were launched, each adapted towards specific stakeholder groups;

- Public authorities – Ministries of Transport, Transport Authorities, Ministry of Interior, Police authorities
 - A legal questionnaire directed towards Ministries of Justice and/or Justice Authorities²
 - Research organisations
 - Road user associations
- c. To further complement the problem analysis, and to assess the impact of measures and options, 12 interviews focused on problem definition and the development of the baseline (Annex III) have been held. Interviews have been executed in May – June 2021, with individual questionnaires designed for specific stakeholders that were deliberately chosen because of data availability and/or experience with certain problems. The interview notes can be found in Annex III.
- d. Stage 2: a second survey was launched in May – June 2021. Two different versions of the survey were available, one directed to road users (with questions on potential impacts on road user costs) and the other directed at public authorities to gather information on the administrative burden. Researchers were asked to answer all questions. The survey was open for six weeks, to ensure that all interested stakeholders were given sufficient time to provide their input. The information is provided in Annex IV.
- II. Two workshops with experts were executed. Different experts were invited to these workshops, including government representatives, researchers, road user associations, etc. Because of COVID-19, both workshops were executed in a virtual setting:
- a. 1st workshop on 26 June 2020 on the problem definition and baseline.
 - b. 2nd workshop on 14 January 2021 on policy measures and policy options.
- The workshop reports, written contributions and presentations, are provided in Annex V.
- III. At the request of the Commission, 2 separate surveys were also launched, directed at gathering information on road safety related UVARs and driving disqualifications. These surveys were mainly directed towards public authorities, to establish a state of play. The results of these surveys are presented in Annex VI and Annex VII. These surveys have run for 8 weeks, in the period April – June 2021.
- IV. Analysis of stakeholder consultation activities carried out by the Commission:
- a. The feedback on the Inception Impact Assessment (IIA) was taken into account throughout the study. The feedback was obtained prior to the start of the Study. The inputs are presented in Annex VIII to this report.
 - b. The answers to the Open Public Consultation were taken into account. The feedback was obtained in May 2022. An analytical summary of the OPC is included under Annex IX of this report.

The surveys were carried out through the online survey software tool 'CheckMarket'. For an elaborate description of the tool, please consider <https://www.checkmarket.com/about-us/>.

² This questionnaire contained some detailed legal questions and as such, were not asked to police authorities, transport authorities or Ministries of Interior. They for example related to specific legal articles in national legislation.

2 Stakeholder participation

2.1 Stakeholder groups

The following text provides a short overview of the type of stakeholders, that were contacted to participate in the stakeholder activities:

Public Authorities: This includes EU Member State and regional authorities that are responsible for overseeing the implementation of the CBE Directive. It should be noted that the procedures for road traffic enforcement are conducted by different public bodies within Member States. For some states the responsibility lies with the Ministry of Transport, while others have placed it with the Ministry of Interior and some have placed it under the responsibility of the Ministry of Justice. In any case, even if Member States have delegated responsibilities to the Ministry of Transport or the Ministry of Interior, the cross-border investigation of road traffic offences and cross-border enforcement procedures rely on justice-to-justice cooperation (such as procedures established under MLA 2000 or Framework Decision 2005/214/JHA). This indicates that, even within a Member State, multiple ministries might be involved in the cross-border enforcement sanctions for traffic offences.

In order to (partly) overcome this issue, the survey was sent to a broad group of stakeholders in each Member State (*Ministries of Transport, Transport Authorities, Police Authorities, Ministries of Interior, Ministries of Justice, and Justice Authorities*). The public authorities were requested to distribute the survey amongst their colleagues, so that multiple people (from different departments) within a Member State filled in the survey when it concerned the area of their expertise. When conducting the interviews, multiple Ministries of a public authority were represented

EUCARIS & CARE

It has to be noted that EUCARIS was contacted on multiple occasions, as it is a crucial stakeholder group with regards to the implementation of the CBE Directive. EUCARIS provides the technical instrument through which Member States have access to each other VRDs. Hence, concerning technical issues with the exchange of VRD-information, and possible solutions, EUCARIS was best-placed to address these. For the aim of this division, EUCARIS is also represented in the group for public authorities.

In order to facilitate the assessment of impacts, data was obtained from the CARE database. CARE is a Community database on road accidents (commonly referred to as “crashes”) resulting in death or injury (no statistics on damage-only accidents). It appeared that CARE gathered statistics, on the number/share of accidents (resulting in injury) in which at least one foreign registered vehicle was involved, for many EU Member States. Two interviews were conducted with CARE to obtain its information, to ensure that it was rightly interpreted and to obtain insights on the possible limitations of the data in CARE.

Municipal organisations

During the study, an information need came up with regards to the implementation of road safety related UVARs. To this regard, municipalities, and/or associations representing multiple municipalities were contacted, to gather more information on the current implementation of road safety related UVARs and their possible inclusion in the scope of the CBE Directive. Examples of these organisations are Polis, Eurocities, VNG, City of Antwerp and so on. To simplify the overview, these stakeholders are included under the stakeholder group “public authorities”.

Research organisations: This group consists of the researchers and research organisation that focus on road safety. Examples of this are VIAS, ETSC, FERSI/SWOV, and so on.

The information provided by this stakeholder group is specific, namely research on road safety, data collection to develop the baseline, and to test certain assumptions with regards to the analysis and/or assessment of impacts of the measures. ETSC was contacted multiple times, to also ask to help distribute information requests within their member base. Moreover, ETSC was consulted to further shape measures.

Road user organisations and leasing organisations: This stakeholder category includes organisations that present professional and recreational drivers. Examples within this stakeholder group are TLN, FIA, ADAC, Leaseurope and so on. These stakeholders were contacted specifically to gather information on the experience of the driver, with regards to the CBE Directive. This refers to experiences with regards to receiving penalty/information notices in their native language, within a certain time frame and the road users costs (e.g. time) with regards to following up on said penalty/information notice.

2.2 Interest of stakeholder groups

Public authorities are responsible for the detection, investigation and enforcement of road traffic offences. In general, it is found that the majority of this stakeholder group is in favour of simplifying investigation and enforcement procedures, to increase efficiency. It should be noted that huge differences exist between Member States, as some seem to have a more narrow focus on procedural safeguards in order to protect the (fundamental) rights of the presumed offender. Finally, it should be noted that this stakeholder group is (in general) in favour of extending the scope of the CBE Directive.

Research organisations are generally in favour of measures that enhance road safety. The procedural safeguards that are to be followed (or not) are of less interest to this group. In general, they are in favour of all measures that increase the enforcement of road traffic rules.

Road user organisations and leasing organisations are more concerned on the consequences of the CBE Directive for road users. For example, some road user organisations (such as ADAC) is concerned with the practices of debt collection companies. Furthermore, their main interest is in enhancing information that is available to road users. This information concerns the content (and authenticity) of the penalty notice, as well as the adopted language regime.

2.3 Stakeholder participation

Table 1 provides a summary of the participation of different stakeholder groups to the different consultation channels. By using different consultation activities, all stakeholder groups are represented in the process. Some stakeholder groups are more represented in specific stakeholder consultation activities. Public authorities represent the larger group, as the information need was largely directed towards them, with regards to the administrative burden or problems experienced with the implementation of the Directive. Road user associations are represented the least, and were generally the most hardest group to reach. FIA and ADAC were requested to share the surveys within their organisation and member base, however, the response willingness of this group was small, and could not directly be reminded. Further input on the CBE Directive from a road user perspective was obtained through the Open Public Consultation (OPC)

Table 1 Overview of the participation of different stakeholder groups to the different tools.

| Consultation channels | Public Authorities | Research organisations | citizens and companies and leasing associations, Road user | Total | Geographical Coverage |
|--|--------------------|------------------------|--|-------|--|
| Exploratory interviews | 4 ³ | 0 | 4 ⁴ | 8 | DE, NL, EU, ES, NL, FR, SI |
| Stage 1 – Survey | 69 (36 full) | 23 (8) | 16 (6) | 108 | AT, BE, CY, CZ, DE, DK, EE, EL, FI, FR, HR, IE, LT, LU, NL, PL, PT, RO, SK, SI, ES, SE |
| Stage 1 – legal survey directed at Justice Authorities and Ministry of Justice | 69 (16 full) | | | | AT, BG, CY, CZ, DE, EE, FI, HR, IS, LT, LV, LU, NL, NO, PL, SK, ES, SE |
| Stage 2 - Survey | 56 (25 full) | 5 (3) | 9 (5) | 70 | AT, BE, BG, CY, CZ, DE, DK, ES, FI, FR, HR, HU, IE, IT, LV, LU, NL, PL, PT, RO, SK, SI |
| Targeted Interviews | 8 ⁵ | 1 ⁶ | 3 ⁷ | 12 | AT, BE, CZ, ES, NL |
| Open Public Consultation | 5 | 10 | 65 | 80 | PL, DE, BE, FR, AT, IT, CZ, NL, PT, SK, ES, DK, HE, IE, SE |
| First workshop (June 2020) | 59 | 1 | 1 | 61 | AT, BE, CZ, DK, DE, EE, EL, ES, FR, CY, LV, LT, LU, HU, MT, NL, NO, PL, PT, RO, SI, FI, SE |
| Second workshop (January 2021) | 68 | 5 | 4 | 77 | AT, BE, BG, CH, CZ, DK, DE, EL, ES, IE, HR, FR, CY, LV, LT, LU, HU, MT, NL, NO, PL, PT, RO, SI, FI, SE |

³ BMVI (German Federal Ministry of Transport and Digital Infrastructure); TISPOL; Dutch Ministry of Justice and Safety; EUCARIS secretariat

⁴ The following organisation provided written responses to a questionnaire through Leaseurope; Arval Spain, Fine Company BV, FNLV France, Bank Association of Slovenia

⁵ EUCARIS; CARE; VNG; Salzburg Forum / Austrian Ministry of Interior; Spanish Ministry of Interior; Czech Ministry of Justice and Ministry of Transport; Belgian Ministry of Transport & Ministry of Justice; CJIB. Other organisations were also contacted, however, unsuccessfully or did not want to participate in an interview, this included: POLIS, German public authorities, Polish public authorities.

⁶ ETSC

⁷ FIA & ADAC; Leaseurope

3 Comparison of responses

3.1 Analysis of written contributions to the IIA

The Inception Impact Assessment for the CBE Directive was uploaded on the website of the Commission. Interested parties had the possibility to provide feedback from 15 March 2019 till 12 April 2019. In this period, 16 stakeholders expressed their views on the initiative.

Most feedback related to widening the scope of the Directive, towards the inclusion of parking offences (7 respondents in favour), UVARs (4 respondents in favour) and tolling offences (2 respondents in favour). These inputs are brought forward by public authorities and companies in charge of parking enforcement.

Road user associations (such as FIA, EAC and ÖAMTC) responded to the IIA, and indicated that the content and information presented in information letters should be improved, and that more information on local road traffic rules should be actively communicated to (non-domestic) road users. Furthermore, the deadlines for delivery of information letters (to non-resident offenders) should be made uniform across Member States, and more information should be provided on follow-up procedures (such as the start and end of the deadline for appeals).

An anonymous stakeholder indicates that more attention should be devoted to determine the consequences for Member States if it does not respect the basic conditions of the penalty notice (it should be noted that the guidelines prescribed in Article 5 of the CBE Directive are already fairly clear).

The BMVI provided a position paper, in which it mentioned that Germany / the BMVI is not in favour of adopting owner liability regimes for road traffic offences. Rather, it suggests to develop a streamlined investigation procedure, ensuring that the State of residence of the presumed offender (or the owner/holder of the vehicle) cooperates in the investigation procedure. Moreover, the BVMI indicates that it experiences no severe issues with the enforcement of financial penalties through the application of Framework Directive 2005/214/JHA. Finally, it is argued that reporting requirements should not change, as (according to the BMVI) it will always be hard (if not impossible) to draw causal relationships between the CBE Directive and road safety.

Furthermore, two stakeholders that expressed their views indicate that they would like to see interventions from the EU in the area of vehicle register databases (building one EU-wide database), creating one single EU driving license (thereby removing driving licenses issued by the different Member States), facial recognition software in cameras (to help identify the driver), in the area of navigation services (providing road users with correct information on applicable speed limits and other local road traffic rules), ongoing digital procedures in police-to-police cooperation (for example concerning the issuance of penalty notices and subsequent communication via mobile apps).

Inputs addressed in the report

The inputs from the IIA have been reflected throughout the report. A lot of attention is devoted to a (possible) scope extension of the Directive. Furthermore, a lot of attention is devoted towards improving the communication with the presumed offender, and some suggested measures are part of the impact assessment. Finally, the position of Germany with regards to streamlined liability regimes and a streamlined enforcement procedure for traffic offences is reflected clearly.

3.2 Problem definition

During the stakeholder consultation activities, it seemed that the focus of Member States concerning the problem analysis mainly concerned the following aspects;

- Scope of the Directive (Problem 1)
- Mutual recognition of financial penalties (Problem 3)

Concerning the other problems, stakeholders were in general agreeing on the existence of the problem and its expected size. Therefore, these inputs will not be discussed in the main report.

3.2.1 Scope of the Directive (Problem 1)

Most [public authorities](#) are in favour of extending the scope of the CBE Directive. Public authorities who advocate for the extension of the scope argue that by extending the scope of the CBE Directive, the Directive would provide a mechanism to follow-up on more offences, in total, causing a higher number of foreign presumed offenders to be investigated, strengthening the overall (cross-border) investigation of Member States, ultimately leading to a higher level of road safety. Although some bilateral agreements already have a broader scope than the CBE Directive, including these offences under the CBE Directive, would allow for the exchange of relevant information between Member States more efficiently and consistently (for those offences not yet covered by the CBE Directive) than is currently the case. Moreover, the CBE Directive has impact on fairness (e.g. equal treatment of residents and non-residents). Member States that want the scope of the CBE Directive to be revised, argue that, without the scope extension, residents and non-residents could be treated differently (e.g. negative impact on EU fairness), with regard to offences falling outside of the scope (e.g. follow-up of parking offences). Table 2 provides an overview of the proposed scope extensions by Member State / stakeholder. Here we can see that four Member States find that the current scope is sufficient. Six Member States do not have an opinion / do not know. Among stakeholders there is no clear agreement as to type and number of the offences to be included. The main extensions of the scope suggested are to include (dangerous) parking offences, to include UVARs and LEZ and/or to include all offences that can be detected by using automatic checking equipment (such as cameras).

[Road user organisations](#) in general welcomed the inclusion of other offences in the scope of the Directive, but are very concerned on the inclusion of UVAR-offences in the CBE Directive. Imposed UVARs are often very time- and place-specific, and information to road users that are not very familiar with the local rules is often scarce. Moreover, rules concerning UVARs are often different for vehicles that are registered abroad. For example, certain low emission zones (for example in Antwerp) require foreign road users to pre-register their vehicle. Hence, although road user associations understand the desire of including these offences in the scope of the offences, they impose a precondition that information on UVAR-rules is properly communicated to road users.

[Research organisations](#) indicated to be in favour of including all traffic offences that have a link with road safety.

Table 2 Overview of proposed scope extensions by public authorities

| Member State or Stakeholder | Proposed extension of scope | | | | | | | | | | Source |
|---|---------------------------------|---------------------|----------------------|-------------------------------|-----------------------------|---------------------|--------------------------------------|--------------------|---------------------|-----|--|
| | Not keeping sufficient distance | Overloaded vehicles | Dangerous overtaking | Dangerous and illegal parking | Failure to pay parking fees | Failure to pay toll | Failure to pay fees/fines UVARS, LEZ | Other ⁸ | Scope is sufficient | N/A | |
| Austria | X | X | X | X | X | | X | X | | | 1st workshop |
| Belgium | | X | | X | | | X | | | | 1st Workshop |
| Croatia | X | X | X | X | X | X | X | X | | | Evaluation |
| Czechia | | | X | | | | X | X | | | Evaluation, 2 nd WS |
| Germany | X | | X | X | | | X | | | | 1st workshop |
| Estonia | | | | | | | | | X | | Evaluation |
| Greece | | | X | | | | | X | | | Evaluation |
| Spain | X | | X | X | | | | | | | 1st workshop |
| Finland | | | | | | | | | | X | Evaluation |
| Italy | | | | | | | | | | X | Evaluation |
| Lithuania | | | X | | | | | X | | | Evaluation |
| Netherlands | | | | X | X | | X | | | | Interview, 2 nd WS |
| Sweden | | | X | | | | | X | | | Evaluation |
| Slovakia | | | X | | | | | | | | Evaluation |
| France | | | | | X | | X | | | | 1 st and 2 nd workshop |
| Estonia | | | | | | | | | | | Evaluation |
| Hungary | | | | | | | | | X | | Evaluation |
| Poland | | | | | | | | | X | | Evaluation |
| Slovenia | | | | | | | | | X | | Evaluation |
| Portugal | | | | | | | | | | X | Evaluation |
| Luxembourg | | | | | | | | | | X | Evaluation |
| Romania | | | | | | | | | | X | Evaluation |
| Latvia | | | | | | | | | | X | Evaluation |
| Stakeholders (NGO, consumer organisation, ...) | | | | | | | | | | | |
| EUROCITIES | | | | | | | X | | | | IAA feedback |
| City of Antwerp | | | | | X | | X | | | | IAA feedback |
| G4 Netherlands | | | | | X | X | X | | | | OPC |
| ASECAP | | | | | | X | | | | | OPC |
| ASFA | | | | | | X | | | | | OPC evaluation |
| AITF ⁹ | | | | X | X | | | | | | IAA feedback |
| GART ¹⁰ | | | | | X | | | | | | IAA feedback |
| FNMS ¹¹ | | | | | X | | | | | | IAA feedback |
| VNG ¹² | | | | | X | | X | | | | IAA feedback |
| NORPARK | | | | | X | | | | | | IAA feedback |

⁸ E.g. crossing white lane, not respecting forbidden access, driving in the wrong way or emergency lane, braking on the approach to a railway crossing, illegal manoeuvres ...

⁹ Association des Ingénieurs Territoriaux de France

¹⁰ Groupement des Autorités Responsables de Transport

¹¹ Fédération Nationale des Métiers du Stationnement

Inputs addressed in the report

Based on the input from stakeholders, it was concluded that an extension of the scope was desired. Hence, policy measures concerning the scope extension are proposed. In terms of offences to be covered, the approach taken was that **only** offences that have a link to road-safety should be included in the Directive (considering the legal base of the Directive) and that these road traffic offences could be detected without identification of the driver (e.g. by making use of automatic checking equipment) in order to ensure that the CBE Directive provides a tool to enforce the road traffic rule. As a result, some offences that are brought forward by public authorities are not included in the scope (such as failure to pay toll, failure to pay parking fees and violating Low Emission Zones). Furthermore, some offences (such as dangerous parking) are not included in policy measures, as defining the offence would be problematic.

3.2.2 Mutual recognition of financial penalties (Problem 3)

Public authorities are differing significantly in the assessed functioning of enforcement procedures for financial penalties. Currently, public authorities need to make use of enforcement procedures established under Framework Decision 2005/214/JHA. Some public authorities indicate that they would like to simplify the procedures, arguing that the procedures under the Framework Decision are 'too strict' when it concerns 'minor' traffic offences. Other Member States (especially Germany) indicate that procedural rights of presumed offenders should be respect to a very large extent, and that therefore the strict procedures under the Framework Decision are needed.

The categorization of road traffic offences (under criminal or administrative procedures) is currently under the competence of Member States. In the CBE workshops (organised by ECORYS in June as well as in January), Germany supported by the Netherlands refused to include any specific rules on mutual recognition of financial penalties imposed for road traffic offences to the revision. Germany considers existing rules under the Framework Decision, which cover practically all imaginable offences, as sufficient. For Spain however, new rules on mutual recognition of financial penalties is the most important issue of the entire revision. Also, other Member States such as France and the Czech Republic requested specific rules on mutual recognition of financial penalties to be included. According to the information available to the Commission, such rules would welcome Italy and Romania.

The Czech Republic, contributed to consultations in the framework of the CBE workshop of 26 June 2020, stating that, according to their opinion, while there are instruments for judicial recognition and execution of foreign decisions in criminal matters, a specific instrument for administrative cross-border recognition and execution of administrative sanctions (typically financial penalties, but also driving disqualifications) for road traffic offences is missing. The Czech Republic argues that an ad hoc procedure for road traffic offences qualified as administrative offences should cover the phases of cross border investigation and cross border enforcement of imposed (administrative) penalties/sanctions for driving offences. This is based on the opinion, shared with other stakeholders, that current existing instruments for international cooperation used for the execution of sanctions for road traffic offences, are not tailored to cover the enforcement of administrative offences. Hence, the current practice is that a substantial number of requests for mutual recognition of financial penalties fail as procedural guarantees are often not met for administrative sanctions.

According to practical experience in **Germany**, it appears that the proceedings under Framework Decision 2005/214/JHA work very well, especially in cases of road traffic offences. It is the opinion

¹² Association of Netherlands Municipalities

of German authorities that any other instrument would face the same obstacles in the investigation of cross-border traffic offences. It is also not clear why criminal offences regarding road traffic should have a different standard when it comes to fair trial rights and human/fundamental rights guarantees than other criminal offences. Germany did not appear to be aware of the difficulties in the functioning of the mechanism of mutual recognition of financial penalties when a road traffic offence is qualified differently in the executing Member State and the issuing Member State. Thus, Germany strongly supports measures to facilitate the investigation of cross-border road traffic offences but will not support an additional system of cross-border enforcement of sanctions. During the CBE Workshop of 26 June 2020, Germany referred to ongoing evaluation study of DG JUST of 2018 and pointed out that the most common grounds for refusal of enforcement of financial penalties is due to reasons outside the scope of the Framework Decision.

Finland states that the grounds for non-recognition of road traffic financial penalties, based on the Framework Decision 2005/214/JHA, are not often applied. The reason for non-execution of sanctions is usually related to the problem of identification of the offender (e.g. the VRD is not updated as the offender has moved out of the country and the new residence is unknown in Finland).

Sweden also reported that most common ground for non-enforcement of financial penalties is the inability to locate the offender. Apart from that, it is also common that the certificate accompanying the transmission of the decision in different ways, is incomplete. In general, under national law, the enforcement procedure provides for confiscation of assets of the debtor for a maximum of two years. Same procedure applies to any infringements committed by foreign vehicles, but the enforcement procedure is more difficult.

Spain indicated that the (perceived) inability to enforce decisions on financial penalties for road traffic offences is the main problem that the country experiences. It therefore suggest that the revision of the CBE Directive should have a main focus on resolving this issue.

France indicated that the Framework Decision does not really work for the issue at hand. A lot of requests fail which is due to the Framework. Hence, France would support a streamlined and tailored approach for the mutual recognition of financial penalties (instead of relying on the Framework Decision).

Research organisation and **road user associations** indicate that they cannot express an informed opinion, as they lack experience with the instrument and its current practice. However, research organisations indicate that, if the existing procedure turns out to be ineffective, a new system should be established. Road user associations indicate that, from a road user perspective, the road user should be properly informed on legal procedures associated with the offence.

Inputs addressed in the report

Based on the inputs from public authorities, and by assessing the perceived effectiveness of the Framework Decision 2005/214/JHA in the mutual recognition of financial penalties as being low, measures concerning the establishment of a tailored enforcement procedure for financial penalties for road traffic offences are developed. Based on legal analysis, it seems that this enforcement procedures are theoretically possible within the CBE Directive ('Lex Specialis'). Although it is assessed that the tailored enforcement procedure would make the CBE Directive more effective, there are serious concerns as to what this would mean for the legal basis of the CBE Directive, and concerning the external coherence of the measure (also concerning the political resistance). Hence, policy options involving a streamlined enforcement procedures are not preferred.

3.3 Policy measures and assessment of impacts

3.3.1 Policy measures

A first draft of policy measures was discussed during the first Expert Workshop (on 26 June 2020). Based on feedback obtained from stakeholders, and based on ongoing discussions with DG MOVE, DG JUST and DG HOME, the policy measures were further refined. Eventually, the policy measures were elaborately discussed during the second Expert Workshop (on 14 January 2021). A polling exercise was conducted, where participants were asked whether they would like to discard or retain the policy measure. It is worth noting that the majority of stakeholders wished to 'retain' all policy measures, although measures aimed at streamlining enforcement procedures seemed to be most controversial.

During the second Expert Workshop, most [public authorities](#) indicated that they would like to extend the scope to traffic offences that are not necessarily road-safety related. Especially concerning the inclusion of UVAR-related offences, public authorities indicate that, from a practical point of view, it is confusing for police authorities why they can penalise offenders for committing a speeding offence, but not for violating a Urban vehicle Access Restriction (UVAR). [Leaseurope](#) (umbrella organisation representing rental- and leasing companies) stressed that, in order to do so, harmonisation of rules for UVARs are desired at the EU level to ensure that a common regulatory framework is established.

Concerning the mutual recognition of financial penalties, **Spain** and **Czech Republic** indicate that they are very much in favour of the proposed policy measures. **Germany** states that of all (approx. 160 000) incoming requests to Germany, the majority come from the Netherlands (99.8%) as practically only this country sends them. It seems that many Member States do not send such requests because they have problems in identifying the driver and/or having problems in the follow-up of the process. Hence, Germany seems to indicate that it is in fact possible to enforce decisions using Framework Decision 2005/214/JHA, but that national procedures in Member States seem to be inadequate. France, however, contradicts the statement and indicates that the Framework Decision does not really work for the issue at hand. **Austria** indicates that the system established under a multilateral agreement ('Salzburg Forum') seem to be fairly effective, which is mainly due to a high level of digitalisation in the information exchange. **Austria** therefore suggests that it would be worth focusing on digitising procedures.

It is worth noting that 26% of stakeholders wished to discard the policy measure aimed at removing grounds for refusal for the mutual recognition of financial penalties (PM18b). However, almost 50% was in favour of adopting a streamlined procedure (PM18) for the enforcement of road traffic offences (17% wanted to discard this measure and 34% answered 'I do not know'). An overwhelming majority (90%) supported the idea of Austria to require electronic exchange of certificates under Framework Decision 2005/214/JHA within the CBE Directive.

Concerning the protection of fundamental rights, [public authorities](#) indicate that more strict requirements can be laid down in the CBE Directive. However, according to the representatives in the second workshop, most information letters are already translated and authenticated. This might also explain why there is little discussion on measures aimed at improving fundamental rights. It should be noted that, during an interview with FIA and ADAC, the [road user organisations](#) indicate that, although the situation has been improving over the past years, still a lot of penalty notices are not or poorly translated (for example by using Google Translate).

Finally, [research organisations](#) indicate that DG MOVE should have sufficient information to monitor and evaluate the functioning of the Directive. It thereby heavily supports measures aimed at extending the data that should be submitted to DG MOVE under Art. 6 of the CBE Directive. Furthermore, research organisations seem to favour to include driving disqualification/non-financial penalties, because of the deterrent effect of those measures. It is important to encourage people not to commit an offence. This view is supported by **France, Spain and Romania**.

Besides the discussion in the workshop, [road user organisations](#) (Leaseurope) indicated the need to allow VRD-exchange of the final holder/keeper of the vehicle, in case the vehicle is rented. This would significantly reduce the costs for rental and leasing companies, that nowadays charge an admin fee to the presumed offender (lessee of the vehicle) for investigating this on behalf of the Member State that issues a penalty notice. By facilitating that the Member State can address the final user/keeper immediately, these costs can be overcome.

Inputs addressed in the report

Based on the discussions concerning the scope of the Directive, a variant to the policy measure was identified. This policy measure also facilitates the inclusion of 'Key-Access Regulation Schemes' (key-ARS) within the scope of the Directive. The definition of Key-ARS is taking form on the EU level, and therefore a common regulatory framework for these offences is taking shape. Nevertheless, sufficient attention is to be devoted to informing road users on where Key-ARS are implemented, and what the specific rules are for these.

Concerning the enforcement procedure, the policy options were further refined and tailored to remove some controversial elements. Nevertheless, as mentioned above, it is our understanding that these will be hard to implement.

Finally, the issue concerning the inclusion of driving disqualifications in the scope of the Directive was assessed to be legally impossible (without a revision of the Directive 2006/126/EC ('Driving License Directive')). Hence, although the added value of including mutual recognition procedures for driving disqualifications is endorsed, no measures can (currently) be taken within the CBE Directive.

Based on the information obtained from Leaseurope, a measure was included to allow for the exchange of VRD-information on the final user/keeper **if this information is included in the VRD by default**. Member States are thereby not required to include this information in the VRD, but can (as a result of this measure) access this information. As such, the administrative burden for rental and leasing companies can be lowered.

3.3.2 Assessment of impacts

Concerning the assessment of impacts, it should be noted that information obtained from stakeholders was used heavily. This is mainly because information on road traffic enforcement (such as the number of traffic offences committed, or the costs for investigation) can only be obtained from Member States. Where possible, the information obtained from Member States was triangulated with information from other sources (for example, the number of speed cameras installed was cross-checked with information from the Speed Camera Database, and the number of traffic offences committed by foreign registered vehicles was cross-checked with information from EUCARIS).

It should be noted that, to our knowledge, there have not been issues concerning the quality of submitted data. However, if the quality of data is poor and errors have been made in the assessment, these errors have been made consistently over all policy options. Therefore, the (possible) lack of quality in data is not hampering a comparison of options.

Road safety

Base case

In order to estimate the impact on road safety, information coming from [public authorities](#) on the number of offences has been used extensively. As mentioned before, it is hard to validate the information on the number of offences, but compared with the number of equipment installed (which stems from another source), the order of magnitude is deemed plausible. Moreover, the estimated number for the EU seems to be in line with statistics from EUCARIS. Information on the number of automatically detected offences in the EU was deducted from ETSC Pin Flash Report ([research organisation](#)). The found estimate for Austria and the Netherlands in the ETSC-report was consistent with the figures provided by these Member States.

Concerning the number of technological issues, this information is solely based on reports by [EUCARIS](#). It was not possible to validate the data. However, there is no reason to believe that the information provided by the EUCARIS Secretariat is inaccurate.

Finally, concerning the share of voluntarily paid penalty notices, the obtained figure was based on statistics and estimates/expert guesses from [public authorities](#). There is no reason to believe that the information is inaccurate. The information is in line with earlier findings (for example with information obtained during the Evaluation). Moreover, as the EU estimate relies on information from seven Member States, inaccurate information for an individual Member State only has a small impact on the EU estimate.

Concerning the effectiveness of the enforcement of financial sanctions, information on the effectiveness of procedures under the Salzburg Forum was obtained from one representative ([public authority](#)) of the multilateral agreement. However, the estimate was considered to be plausible. Conducted sensitivity analyses, in which a lower share of enforced sanctions was assumed, revealed that this did not affect the effectiveness of most policy options. When assuming a lower share, PO3 and PO3A became slightly more effective. However, this would not have resulted in a different preferred option, as PO3 and PO3A were discarded as being the preferred option as coherence issues were expected (these options were already assessed to be most effective, even if the estimate on the enforcement of sanctions concerning the Salzburg Forum was not lowered).

Impact of measures and options on road safety

In the assessed impact of measures, information from the [EUCARIS reports](#) was used to assess the impact of PM2a, PM2b, PM5, PM6 and PM7 (EUCARIS report 2019). The impact of PM10a, PM10b and PM11 was assessed by making use of estimates from [road user associations](#) (obtained during an interview with ADAC).

The impact of other policy measures were assessed by statistics (such as PM1a and PM1b) and by adopting estimates and magnitudes from results to the second survey. All stakeholder groups have participated in this survey.

Administrative costs

The base case, in terms of investigations launched and penalty notices issued, was derived from the base case for road safety (also consider 'Road Safety'). The costs involved, in terms of the time related to the activity, was derived from input from [public authorities](#) (AT, CZ, FI, DE, LT, PL, PT, SK, SI). The retrieved numbers have quite a wide range, which is likely caused by diverging procedures adopted at the Member State level (in terms of legal liability regime, level of digitalisation, annual number of detected offences, ...). It is our understanding that the adopted estimate at the EU level (15 minutes) is an accurate indicator for the EU.

As has been mentioned before, there is no possibility to validate the data. Moreover, it is our understanding that the estimates presented are mainly expert guesses (and no hard statistics). However, if errors have been made, they have been made consistently over all policy options. Hence, the selection of the preferred option is likely not hampered by a lack of data quality in terms of the investigation time. Moreover, it should be noted that administrative costs are not deemed to be a decisive factor in the selection of the preferred option.

Finally, in terms of costs related to technological measures (such as providing access to more VRD entries), the assessment relies on estimates from [EUCARIS](#). The costs involved for these measures are assessed to be fairly small, which is in line with the (historic) costs involved for similar data systems. Therefore, there is no reason to believe that the estimate from EUCARIS is inaccurate.

Fundamental rights and road user costs

The assessment of fundamental right impacts have been conducted based on a legal assessment. As a result, inputs from stakeholders were not used in the assessment.

Suggestions from [road user associations](#), concerning the impact on road user costs, resulting from measures aimed at improving the communication between Member States, have been used. It should be noted that these views were largely [supported by public authorities](#) (such as Spain and Belgium).

Annexes

- I. Interview minutes of the exploratory interviews (Activity 1a)
- II. Stage 1 – Summary of survey results per stakeholder group (Activity 1b)
- III. Stage 1 – Interview minutes (Activity 1c)
- IV. Stage 2 – Summary of survey results (Activity 1d)
- V. Workshop minutes (Activity 2)
 - a. First workshop on problem definition - June 2020
 - b. Second workshop on policy measures – January 2021
- VI. Survey results of the questions on road safety related UVARs (Activity 3)
- VII. Survey results – state of play per member state on driving disqualifications (Activity 3)
- VIII. Feedback IIA (Activity 4)
- IX. Analytical summary of the OPC (Activity 4)

About Ecorys

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Annex I – Exploratory Interviews

Four exploratory interviews have been executed at the start of the study to provide inputs for the Inception Report. Through Leaseurope, also 4 verbal responses were provided to a previously set questionnaire aimed at gathering information from leasing companies.

In this annex, the following documents can be found:

- Exploratory interview - questionnaire
- Exploratory interview Minutes:
 - BMVI (Federal Ministry of Transport and Digital Infrastructure)
 - Leaseurope (notes available)
 - Information to the questionnaire by Arval Span
 - Information to the questionnaire by Fine Company BV
 - Information to the questionnaire provided by FNLV France
 - Information to the questionnaire provided by the Bank Association of Slovenia (leasing company)
 - TISPOL
 - Dutch Ministry of Justice and Safety
 - EUCARIS secretariat

Questions - exploratory interviews

Questions for general content and legal stakeholders

Note: This is intended to be a guide for the exploratory interviews and to help guide and steer the questions. Depending on how the discussion goes and level of knowledge of respondent, not all aspects may be tackled.

General questions

- Introduction of respondent
- What is your involvement in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences?

Identification of the problems

- What are the problems in cross-border investigation of road traffic offences?
- What are the problems in cross-border enforcement of sanctions for road traffic offences, namely in mutual recognition of administrative or judicial decisions on financial penalties?
- Are there problems with the protection of fundamental rights in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences?
- How often do these problems occur (always, quite often, sometimes, it is a one off)?
- What is the scale of the impact of these problems (e.g. what is the share of decisions which are not recognised/executed due to different legal liability regimes or impossibility to track down/find presumed offender)?
- Do the problems occur in specific MSs (if yes, where?) or are they EU wide?
- Are there, to your awareness, any bilateral / multilateral agreements in place between Member States in the field of cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences? How do they work?

Possible root causes of the problems

- Are the abovementioned problems of:
 - i. legal nature (e.g. personal data protection, legal liability regimes, different level of fundamental rights protection, complicated or non-harmonized cross-border procedures etc.);
 - ii. administrative nature (e.g. lack of translation services, different content of vehicle registers, lack of electronic/on-line exchange of information, etc.);
 - iii. practical nature (e.g. inadequate investments, etc.)?
- What are the main weaknesses of Directive (EU) 2015/413 (the CBE Directive)? Which aspects need to be improved?
- Is the scope of the CBE Directive in terms of road traffic offences adequate? If it is not, what offences should be added to the scope?
- Are there any changes taking place that were not expected at the time the CBE Directive was drafted and negotiated?
- Do some of the identified problems arise from other legislation? If yes, which?
- To what extent there are legal problems and to what extent the problems of uniform implementation?

Possible effects of the problems

- How do you think these problems will evolve if nothing changes?
- What would be potential solutions to the problems?
 - Would administrative or technical solutions suffice?
 - Are legal changes needed?

- Is an EU action required? Why or why not? Is it only necessary to improve the way current EU legislation is applied, or there is a need to go beyond (subsidiarity)?

Suggestions

- Could you provide relevant literature, data sources and stakeholders to contact?

Questions for IT stakeholders – (in this case as discussed the EUCARIS Secretariat)

Note: The focus will be on existing IT solution, future needs, possible technical obstacles, and whether legal intervention is needed.

Remark: For IA purpose, it will be necessary to build further on Grimaldi evaluation study on the application of the CBE Directive (2016). The study suggests that the EUCARIS software application for vehicle registration data exchange under the CBE Directive incurs the lowest total cost of ownership compared with the EUCARIS software applications used in other electronic information systems and having similar purpose and characteristics. However, the study did not evaluate the option to develop a new system (possible new COM system replacing EUCARIS), put it into production, operate it, support it, maintain it and phase it out in the end. It will be for Wavestone to outline the costs related to such a new system and compare them with the existing system (EUCARIS).

General questions

- Introduction of respondent
- What is your involvement in cross-border investigation of road traffic offences and cross-border enforcement of sanctions for these offences ?

Specific questions

- What is the role of EUCARIS as regards automated number plate recognition? Can EUCARIS extend its functionality in this respect? If so how? What are the limits of the technology? Would there be any legal (or other) obstacle?
- Can a link be established with other systems (e.g. RESPER, SIS II)? What are the limits of the technology and what is a legal (or other) obstacle? What are the differences in the national vehicle registers and how can the differences be overcome?
- Is there a technical solution for electronic exchange of information, which would facilitate the provision of additional evidence of driver's identity and tracking down presumed offenders with unknown address? If yes, what?
- As regards mutual recognition of administrative or judicial decisions on financial penalties, what are the technical solutions for electronic exchange of relevant information (e.g. via the e-justice portal)?
- What are the EUCARIS functionalities currently deployed which supports the application of the CBE Directive? Is there any further development expected regarding the EUCARIS CBE module?
- Is it possible to use EUCARIS for the information exchange under e-Codex pilot project?
- Is there any other European system overlapping with or complementary to EUCARIS?

Suggestions

- Could you provide relevant literature, data sources and stakeholders to contact?

FIRST LEGAL INTERVIEW WITH THE GERMAN FEDERAL MINISTRY OF TRANSPORT AND DIGITAL INFRASTRUCTURE

Information on the interviewee

- *Contact person:* Mr Jörg Nentwich
- *Organisation:* BMVI (Federal Ministry of Transport and Digital Infrastructure), Division StV 21, Road Traffic - Motor vehicle registration
- *Address:* Invalidenstraße 44, 10115 Berlin
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- *Website:* www.bmvi.de
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Information on the interview

- *First contact:* 17 February 2020 - Mr Albrecht
- *Reply:* 20 March 2020 – Mr Nentwich
- *Interview delivered:* 13 May 2020

Note: The answers imply the relevant German positions as well as the requested data.

A) Introductory questions:

1. Legal references on road traffic offences at national level?

Section 21 ff. of the German Road Traffic Act, especially section 24 of the Road Traffic Act (Straßenverkehrsgesetz – StVG) with section 49 of the Road Traffic Regulations (Straßenverkehrs-Ordnung (StVO). The scales of penalties/fines and of driving bans are regulated in the catalogue of fines (Bußgeldkatalog-Verordnung – BKatV). All three regulations are added as follows:



BKatV.pdf



StVO.pdf



StVG.pdf

Further legal references concerning road traffic offences can be found in the German Criminal Code (Strafgesetzbuch – StGB), see sections 248b, 315b, 315c, 315d, 316, 316a.

2. What kind of liability do you have in road traffic offences?

The legal basis is driver's liability.

B) Questions on driving disqualifications:

3. Does your Country apply driving disqualifications schemes and virtual driving licences to non-residents?

Yes, it applies penalty point schemes.

There are driving disqualifications schemes, a so called Register of Driver Fitness. Road users who have committed offences in road traffic are recorded in the Register of Driver Fitness to the extent that the

committed offence shall be penalised with penalty points according to the Driver Fitness Assessment System. Reaching the limit of eight points a driver is disqualified from driving and the competent authorities withdraw a driver's driving licence.

As to virtual driving licence, we don't have any.

4. Are you aware of the reason why your Country didn't implement the Convention on Driving Disqualifications of 1998?

Yes, because the regulations in the convention don't go along with the German system.

5. Do you currently have any bilateral and multilateral agreements in place on cross-border enforcement of driving disqualifications?

No, there is not. We only recognize driving disqualifications if they cause doubts on the driver fitness.

6. How many driving disqualifications inflicted for road traffic offences committed by non-residents were recognized last year?

For drivers with a foreign driving licence who committed a road traffic offense in Germany there are 8875 disqualifications by courts and 5829 by Driving license authorities in 2018. There is no data yet available for 2019.

7. Do you have any suggestion on how the effective functioning of cross-border enforcement of driving disqualifications could be ensured?

Procedures to be followed in the case of driving bans imposed on driving licence holders whose driving licences were issued in other Member States.

The Commission most recently addressed this issue at the meeting of the Driving Licence Committee on 7 October 2016, where it pointed out that only the issuing Member State can alter the contents of driving licences. At that meeting, Member States were invited to introduce suitable measures that are both proportionate and appropriate. Germany believes that two measures are possible:

- i. The driver licensing authority confiscates the driving licence and does not return it to the holder unless he credibly states that he will leave Germany.
- ii. The driving licence is confiscated and returned to the issuing Member State via the Federal Motor Transport Authority.

In the case of the first option, the German authorities would have to trust the information provided by the driving licence holder. Ultimately, because enforcement would be impossible, the driving licence holder could circumvent the ban existing in Germany.

In the case of the second option, too, it would be possible for the driving licence holder to reobtain his licence immediately from his issuing Member State. Here, too, German authorities would be unable to prevent him from using the roads in Germany, because enforcement would be impossible. Moreover, for the person affected, this option could result in him not having a driving licence for use of the roads in other Member States.

Both measures are thus unsuitable and could have an adverse impact on road safety. Nevertheless, there is a need for a solution that is uniform throughout the EU.

C) Questions on scope:

8. Do you think that the CBE directive scope should be extended to other road traffic offences?

Yes, encompassing all road safety related offences.

It is seen as a minimum useful and appropriate measure to extend the scope of offences to include especially dangerous overtaking and the failure to keep a sufficient distance from the vehicle in front. Parking offences which create risks for other road users should also be included and taken into account in a future revision of the Directive. They are deemed to be dangerous parking (e.g. obstructing emergency access routes for fire and emergency services or designated parking spaces for disabled persons). A definition of what specifically constitutes dangerous parking should be included.

Moreover the scope should be extended to all road traffic offences. When it comes to the definition of road traffic offences it should be defined according to the understanding of road traffic offences as it is mentioned in the German declaration in the council decision 2015/214/JI.

Besides it would be helpful to include place and date of birth and sex in the information provided upon request in order to allow for better possibilities of investigation.

For further details see the following attached file. (Erklärung DE st05871.de05. etc)



Erklärung DE
st05871.de05. etc.pc

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D) Questions on reporting obligations:

9. Has Germany ever encountered any difficulties in fulfilling the obligation under Article 6 of the CBE directive?

No. Germany intends to comply with its reporting obligations under Article 6 and sends its report by 6 May as requested.

10. Is the reporting obligation considered as a burden in terms of information to collect and do you have all information requested?

Yes, it is considered as a burden, because the German Federal States are responsible for delivering the necessary information/data. Although we have all information requested, we have to collect it from the German Federal States. There is no central availability of the requested information.

11. Should reporting obligations modified or specified?

No. The report from Germany includes both the transmission of the available data as well as an explanatory text, as requested by the Commission.

E) Questions on EUCARIS:

12. When did you connect to EUCARIS and what legal issues have you encountered since then in using it, if any?

Germany is a member state of the EUCARIS treaty and transferred it into national law by ratification. It was put into force on 19th December 2003.

F) Questions on investigation (vehicle detection and vehicle registration):

13. What is the source of financing of police enforcement equipment?

Details cannot be provided. However, in principle the enforcement equipment is financed by the public budget of the Federal States, as general police enforcement falls within the responsibility of the Federal States.

14. Do your national courts apply strict standards for evidence produced by automatic checking equipment?

Yes, there are strict rules which are applied in the jurisdiction when it comes the functioning of the automatic checking equipment. They can't be explained in detail, because the requirements depend on the applied equipment. For example, in the field of speed checks it is always necessary to have a front photo and the equipment has to be calibrated in an official procedure.

15. Are all the data listed in Annex I of the directive available in your national vehicle registers?

Yes, they are, except the ID number, which is optional, and the data relating to owners of the vehicle, which is mandatory when available in national register, but this is not the case because in Germany the owner can be another person than the holder who is the responsible person e.g. to hold the insurance and for registration procedure.

16. What is the minimum content of national vehicle registers pursuant to national law?

Besides the exceptions mentioned previously, all data in Annex I are content of national vehicle register pursuant to national law which is written down in the Vehicle Registration Regulation.

17. Does the national legislation create any obstacles to a coherent management of databases and registers used at national level?

No. The national law for data protection has always to be taken into consideration. All measures taken by the authorities have to observe those data protection rules.

18. Do your registers store information on previous owner/holder when the vehicle has been re-registered or sold abroad?

Yes, registration data are stored up to seven years. See section 44 of the Vehicle Registration Regulation (Fahrzeug-Zulassungsverordnung - FZV).

19. Which is the national authority designated as national contact point under Council Decision 2008/615/JHA?

It is the Federal Motor Transport Authority (KBA- Kraftfahrt-Bundesamt) for ingoing requests and the Federal Criminal Police Office (BKA-Bundeskriminalamt) for outgoing requests.

20. What are the powers of the national contact points under the applicable national law?

The contact points are previously in the responsibility of running the technical system of the exchange of data, e.g. configuration of the system.

21. Does your national contact point supply and request for additional data than that indicated in Council Decision 2008/615/JHA (Article 12)?

No.

22. Do your national enforcement authorities apply EU mutual assistance and recognition procedures in investigation of road traffic offences as provided by the MLA Convention and Directive 2014/41/EU regarding the European Investigation Order in Criminal Matters?

Yes. Severe road traffic offences constitute criminal offences and public prosecution offices apply all means of mutual legal assistance including EIOs if needed for the investigations. In cases constituting minor administrative offences the mutual legal assistance instruments are not as regularly used on behalf of the administrative authorities.

23. Is Germany part of any bilateral/multilateral agreements providing for mutual assistance in investigation of road traffic offences?

Yes, Germany has concluded bilateral police cooperation treaties with the following States:
Austria (In addition, a bilateral treaty for mutual assistance in administrative matters covers cooperation in road traffic offence matters.)

- Belgium
- Czech Republic
- Denmark
- France
- Luxembourg
- Netherlands
- Poland
- Switzerland (It is noted that Chapter VI concerning road traffic violations has not entered into force as of yet.)

All of the mentioned treaties contain provisions with relevance to investigations into road traffic offences, such as the identification of vehicle owners or permit holders. See the website of the Federal Ministry of the Interior, Building and Community for an overview and references to the publication of the above-mentioned treaties in the Federal Gazette:

<https://www.bmi.bund.de/SharedDocs/downloads/DE/veroeffentlichungen/themen/sicherheit/uebersicht-polizeiabkommen.html>

The deutsch-schweizerischer Polizeivertrag (of which chapter VI about enforcement assistance and cooperation on road traffic offences was not set into force) and the Amts- und Rechtshilfeabkommen in Verwaltungssachen mit Österreich. Both agreements are added as follows:



D-CH-PolizeiV_ BGBl RHwSV_D_A-Vertra
2001 II S. 946.pdf g über Amts- und Re

All those treaties allow to investigate a special case like a criminal traffic offence, but practically do not play a role as a basis for an exchange between administrative authorities in the field of mass traffic offences.

24. What is the legal basis for the exchange of information on the offence and, in particular evidence, at national level?

The legal basis for the exchange of vehicle and car holder information can be found in the Road Traffic Act: Section 37, section 37a, section 37b, section 39 para. 3. Furthermore all means of data exchange in police cooperation and criminal proceedings can be used.

25. Are there problems with the protection of fundamental rights in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences?

Yes. The main fundamental rights question in enforcement proceedings under FD 2005/214 is whether the persons concerned were duly informed about the proceedings and the possibility to defend themselves in the national proceedings leading to the decision. However, fundamental rights questions do not arise in the large majority of cases.

26. What is the procedure that you apply for the identification of the driver when the latter is not the owner/holder of the vehicle?

In most cases of determined traffic violations there are pictures made by speed traps and traffic monitoring systems, which can be used to identify the driver. In a first step, the regulatory authorities send a questionnaire to the car holder. This questionnaire is used to officially hear the holder: he is asked to give evidence about the driver. His statement is proved by comparing the picture of the determined traffic violation and the official photo deposited by the registration authorities. Comparison of photos is also used in the case of the holder refusing to testify. If the detected suspected person denies being the driver, the police and the public prosecutor can summon the suspect to come to the police to compare him with the photograph of evidence. To compare the suspect with the photograph of evidence state-approved expert can be used.

27. Does your legislation allow for the identification of the driver by the owner of the offending vehicle?

Yes. It is the holder of the vehicle who is asked for cooperation. He is obliged to identify the driver. Germany takes responsibility within the context of the Directive to mean exclusively “driver responsibility”. From the German point of view, owner/holder liability is not practicable.

28. Do your authorities refuse to follow-up on another Member State’s request on the basis of different legal qualifications of road traffic rules and different sanction schemes?

No.

29. What data protection safeguards do your national enforcement authorities apply? Has your Country transposed Directive 216/680 (the LED)?

Yes, the LED was transposed. In terms of data protection safeguards applied, police and criminal prosecution services are obliged to provide for safeguards according to sections 62 to 77 of the German Federal Data Protection Act (Bundesdatenschutzgesetz - BDSG). Concerning the processing of data these institutions are in charge as controller.

The controller and the processor, taking into account the state of the art, the costs of implementation and the nature, scope, context and purposes of the processing as well as the risk of varying likelihood and severity for the legally protected interests of natural persons, shall implement the necessary technical and organizational measures to ensure a level of security appropriate to the risk when processing personal data, in particular as regards the processing of special categories of personal data. In doing so, the controller shall take into account the relevant Technical Guidelines and recommendations from the Federal Office for Information Security (Section 64 Federal Data Protection Act).

These duties include logging of the processing, information, cooperation and other formal requirements which are all stated in the law.

The technical and organizational measures are installed by the responsible bodies. Criminal procedure in Germany lies--apart from the prosecution by the federal general prosecutor (Generalbundesanwalt)--within the responsibility of the federal states (Bundesländer).

G) Questions on enforcement

30. Is the Annex II of CBE Model used for cross-border notifications?

Yes.

31. Do your national enforcement authorities have any issue in complying with Article 5, para 3. of the CBE Directive (as regards the language of the information letter)?

No issues, they comply with it.

32. What language do you use throughout the whole follow-up proceedings for non-residents?

It is the competence of the German Federal States, which are responsible for the implementation of road traffic regulations. The follow-up proceedings are mostly led in German.

33. What are the grounds for non-recognition and non-execution of a decision issued by another Member States on a road traffic infringement and financial penalties at national level?

They are:

- The financial penalty imposed does not reach an amount of 70EUR.
- Alleged violation of fundamental rights (e.g. lack of minimum procedural guarantees in criminal or administrative proceeding of the Member State's adopting the decision).
- Enforcement is already time-barred under national law.
- No financial penalty within the meaning of the FD.
- Certificate is not available/incomplete/does not correspond to the decision.
- Art. 7(2)(c) of the FD.
- The person concerned has deceased/moved to another State/to an unknown address/can not be found.
- The case is withdrawn by the issuing State.
- The enforcement has to be terminated because the person concerned is insolvent/has no assets
- or all national possibilities for execution have been exhausted.

For further details we would like to refer to the answers given by Federal Ministry of Justice and Consumer Protection (IIB4) and the Federal Office of Justice (III4) to the Questionnaire for Competent Authorities on the Application of Council Framework Decision 2005/214/JHA (Question 3: Please outline the grounds based on which a decision is non-recognised or non-executed).

34. Is there any case law on cases regarding refusals of foreign decisions on road traffic offences on grounds of violation of fundamental human rights and national constitutional principles?

No.

35. What is the deadline applied by your Member State for the submission of penalty notices to non-residents? Is it the same for residents?

In Germany road traffic offenses lapse as a rule within three months (see section 26 para. 3 of the Road Traffic Act).

After a decision imposing a sanction for an offence has become final, the statute of limitation depends on the sanction imposed. Generally, the limitation period are 3 or 5 years (see section 34 Act on Regulatory Offences, section 79 German Criminal Code).

The deadline applied is the same for residents.

36. Do German courts accept electronic evidence in case related to cross-border enforcement of financial penalties for road offences?

Yes. All evidence is allowed in court procedures. However in case of a final decision to be enforced in Germany under FD 2005/214 the necessity of electronic evidence is unlikely. FD 2005/214/JHA is based on the principle of mutual recognition. Only legally binding decisions are enforced. The question whether a certain kind of evidence is accepted or not is of higher relevance as part of the investigation procedure before the decision becomes final.

37. Are there specific rules applicable to non-residents (e.g. translation, different statute of limitations): in case of appeal of sanctions due to automatic checking equipment?

No.

38. How does Germany proceed if the offender is insolvent and/or without assets? Are there alternative sanctions in place such as custodial sanctions?

In incoming cases under the FD 2005/214/JHA the enforcement will generally be terminated if the person concerned is insolvent (Article 9(1) of the FD 2005/214/JHA).

In accordance with Article 10 of the FD 2005/214/JHA the German transposition law does not allow the execution of alternative sanctions.

39. Does Germany make use of debt collection agencies to recover fines?

No. As the FD 2005/214/JHA is a well working instrument there is no need for Germany to make use of debt collection agencies to recover fines. The mechanism works especially well for road traffic offences with a quota of successful enforcements of nearly 60 % of outgoing German cases in other member states. The Framework Decision is not insufficient in this regard. In our view, the main problems overall in cross border cases arise during the investigation proceedings (i.e., regarding the question who was the driver) and not on the later enforcement level. The Framework Decision can only be used if a final decision has been made and at that is working very well.

40. Has Germany entered any bilateral or multilateral agreement for the enforcement of cross-border sanctions?

Yes. There is a bilateral agreement between Germany and Austria: Deutsch-Österreichischer Vertrag über die Amts- und Rechtshilfe in Verwaltungssachen (see above question 23) - Article 9 on the enforcement assistance covers all administrative offences, hence also most road traffic offences. It is to be applied next to the FD as allowed by Article 18 of the FD 2005/214/JHA.

Interview minutes Leaseurope

The following documentation provides us with information from different members of Leaseurope, namely:

- Information to the questionnaire by Arval Spain
- Information to the questionnaire by Fine Company BV
- Information to the questionnaire provided by FNLV France
- Information to the questionnaire provided by the Bank Association of Slovenia (leasing company)

This includes, the answers to the questionnaire, as well as some extra information provided by the organisations, e.g. examples of incorrect penalty notices or legislation.

Questions - exploratory interviews

Questions for general content and legal stakeholders

Note: This is intended to be a guide for the exploratory interviews and to help guide and steer the questions. Depending on how the level of knowledge of respondent, not all aspects may be tackled.

General questions

- Introduction of respondent

Founded in 1989 and belonging entirely to the BNP Paribas Group, Arval specializes in mobility and full leasing service. Arval offers its customers, large companies, SMEs, freelancers and individuals, comprehensive solutions to optimize the mobility of its employees and outsource the risks associated with fleet management. Always under the principles of expert advice and quality of service, Arval has a workforce of around 7,000 employees and is present in 29 countries, financing more than 1,200,000 vehicles worldwide (December 2019). Arval is a founding member of the Element-Arval Global alliance, the largest strategic alliance in the fleet management industry and the world leader exceeding 3 million vehicles in 50 countries. Within the BNP Paribas group, Arval belongs to the Retail Banking activity.

In Spain, it has been present since 1996 and has more than 700 employees. The number of vehicles currently financed in Spain is over 150,000 units, which makes it the first national operator. The company in Spain has the ISO 14001 and 39001 certifications.

- What is your involvement in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences?

In 2019 we managed more than 50.000 traffic fines in Spain. More in detail, we managed more than 3.500 fines from EU countries that are not Spain.

Identification of the problems

- What are the problems in cross-border investigation of road traffic offences?

There are several problems in cross-border investigation of road traffic offences. We listed them, in order of importance:

1.- Language. The Eucaris directive establishes the obligation of sanctioning bodies to notify the penalties in language of the infractor. But currently not all Member States (onwards, MSs) are fulfilling this legislative obligation. This has even other repercussions; for example, some Sanctioning Bodies require you to submit their own forms only in their native language.

2.- Legislative differences. In many MSs traffic fines are criminal sanctions, and therefore under the criminal procedure legislation. In contrast, in Spain they are administrative sanctions. The difference between the rules that apply the procedure depending on the MSs causes several problems and difficulties in the management of the fine. A good example could be the Netherlands, where the leasing company is obliged to pay the fine, not allowing the company to identify the infractor driver (because the leasing period is longer than 3 months). Considering the driver is registered as such in the records of the Traffic Administration the contact information is easily available for the Sanctioning Body.

3.- Non receipt on regular mail notification. The fines are notified without acknowledgment of receipt and it is not possible to determine the exact date of notification. This provokes several problems considering procedure deadlines and timelines.

4.- Deadlines themselves, or more specific, lack of universal deadlines for procedures in the EU. Also related with point 2, the different legislations applicable in each MSs means different deadlines, and therefore difficulties on the management of the fines.

5.- Identification requirements, or more specific, lack of universal identification requirements. Again, the differences in legislations means different requirements for the identification as infractor driver. As an example, the expiration date is required in some MS for the identification of the driver but not in Spain.

- What are the problems in cross-border enforcement of sanctions for road traffic offences, namely in mutual recognition of administrative or judicial decisions on financial penalties?

In this case, the main problem is the MSs who not correctly apply the Eucaris Directive. This provokes that the procedure ends up being enforced by the criminal courts of Spain, which lengths the time of the procedure and adds more bureaucracy to it.

- Are there problems with the protection of fundamental rights in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences?

We have identified several problems with the cross-border investigation of road traffic offences. The consequence more important is that the infractor has a fundamental right affected: the right of defence. More specifically, we consider the art 48.3 of the EU Charter of Fundamental Rights, letters “(b) to have adequate time and facilities for the preparation of his defence; (c) to defend himself in person or through legal assistance of his own choosing [...]”. The different language in the notification and the lack of notification date, directly contradicts this fundamental right.

However, it is difficult to estimate the exact percentage of the procedures affected by it.

- How often do these problems occur (always, quite often, sometimes, it is a one off)?

They happen quite often, approximately in 90% of the cases.

- What is the scale of the impact of these problems (e.g. what is the share of decisions which are not recognised/executed due to different legal liability regimes or impossibility to track down/find presumed offender)?

In the case of the leasing companies, the scale is really big. As the notification goes to the owner, and it should go to the lessee, it provokes that any problems with the identification relies on the leasing company and not in the infractor, who is the responsible of the penalty. However, it is difficult to estimate the exact percentage of the procedures affected by it.

- Do the problems occur in specific MSs (if yes, where?) or are they EU wide?

We have identified problems with several MSs but the most restrictive for our leasing clients is the case of the **Netherlands** for the reasons mentioned above.

- Are there, to your awareness, any bilateral / multilateral agreements in place between Member States in the field of cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences? How do they work?

We have knowledge of agreements between MS for cross-border investigation of road traffic offences. As an example, we know the existence of agreements for the procedure of the **payment of the fines**. In this case, for the claim of the payment the Bodies rely on the European judicial assistance and send judicial warnings to their counterparts in the Spanish state, which are the criminal courts.

Possible root causes of the problems

- Are the abovementioned problems of:
 - legal nature (e.g. personal data protection, legal liability regimes, different level of fundamental rights protection, complicated or non-harmonized cross-border procedures etc.);

- administrative nature (e.g. lack of translation services, different content of vehicle registers, lack of electronic/on-line exchange of information, etc.);
- practical nature (e.g. inadequate investments, etc.)?

In the opinion of both or legal and operations departments, it is a **combination of all of the above**. There are legal problems (underlined the complicated cross border procedures due to the different legal regimes, administrative and criminal), administrative complications such as lack of translation in notifications and online forms, and practical problems such as MSs not correctly applying the Directive.

- What are the main weaknesses of Directive (EU) 2015/413 (the CBE Directive)? Which aspects need to be improved?

We consider the main weakness the **lack of universal procedures for the MSs**. The directive should establish an universal procedure with general timelines, and the same legislative regime that harmonizes the procedure (to prevent MSs having both administrative and criminal procedures). And of course, another aspect to be improved, is the fulfilment of all the MSs of the obligations of the directive, mainly the language in notifications.

And of course, another aspect to be improved, is the fulfilment of all the MSs of the obligations of the directive, mainly the language in notifications.

- Is the scope of the CBE Directive in terms of road traffic offences adequate? If it is not, what offences should be added to the scope?

The **traffic infractions covered by the directive is correct** because the infractions included are the ones that are more vital for the road safety and, coincidentally, the ones with loss of points for the driver. However, this should also state the importance of correcting the problems already arising in the application of the Directive. As the fines have loss of points, they require the identification of the driver, and we consider critical the fine must be forwarded to the infractor driver, or falling to the lessee, and not to the leasing company.

- Are there any changes taking place that were not expected at the time the CBE Directive was drafted and negotiated?

Not changes per se but there is a noticeable **disparity between the application of the Directive between the MSs**, and in some cases, even going against the spirit of the norm when it was drafted.

- Do some of the identified problems arise from other legislation? If yes, which?

We **haven't noticed other legislation that is causing problems** in the application of the Directive, but mainly the problems with the application indicated above.

- To what extent there are legal problems and to what extent the problems of uniform implementation?

All the problems indicated above are consequence of the **lack of uniformity in the application of the directive**.

Possible effects of the problems

- How do you think these problems will evolve if nothing changes?

The defencelessness it causes in the offender is big and it will have several ramifications. If the infractor has no information on how to proceed with their fines it will cause of lots of executive procedures from the sanctioning body. This prejudices the infractor (having to pay interest rate

for a fine he was unable to manage) the sanctioning body (bigger volume of procedures and slowdown on their procedures) and the MSs (decrease in the collection from the fines). In addition, it will cause that several fines won't be managed in time by the sanctioning body, making them unable to notify the infractor in place and time and therefore also decreasing the collection for the MSs.

- What would be potential solutions to the problems? Would administrative or technical solutions suffice? Are legal changes needed?

Same answer as previous: **correct application from MSs of the Directive, and harmonization of the procedures.**

- Is an EU action required? Why or why not? Is it only necessary to improve the way current EU legislation is applied, or there is a need to go beyond (subsidiarity)?

Both are required. The EU action is required, more specifically the European Commission, stated in their mission of "*Promote the general interest of the EU by proposing and **enforcing legislation** [...]*" (bold added). But it is clear that it is more important to improve the way current EU legislation is applied.

Suggestions

- Could you provide relevant literature, data sources and stakeholders to contact?
 - Example of fine not in local language (attached doc),
 - Number of foreign fines received in 2019 by country:

| País | Número de expedientes |
|---------------|-----------------------|
| Francia | 2648 |
| Italia | 271 |
| Alemania | 167 |
| Holanda | 152 |
| Gran Bretaña | 99 |
| Portugal | 58 |
| Austria | 30 |
| Hungría | 22 |
| Irlanda | 9 |
| Suecia | 9 |
| Bélgica | 4 |
| Luxemburgo | 2 |
| Eslovenia | 1 |
| Noruega | 1 |
| Suiza | 1 |
| TOTAL: | 3474 |

- Contact: Fernando Martin, Head of Fines and Road Safety, Fernando.martin@arval.es



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Datum 25.02.2020
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**(Verkehrs)ordnungswidrigkeit
vom 23.01.2020 mit dem Fahrzeug
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in Ratingen A 3, km 92,275, RF OB
Zeugenbefragung vom: 03.02.2020**

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32-32/220002274/4

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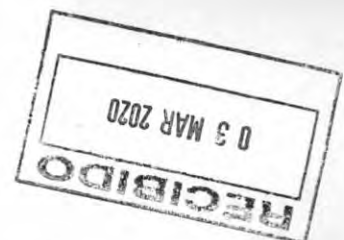
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StPO - Strafprozessordnung
StGB - Strafgesetzbuch
EGStGB - Einführungsgesetz zum Strafgesetzbuch

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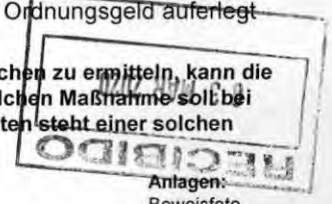
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Name, Vorname(n), Geburtsname

Anschrift (Straße, PLZ, Ort)

Geburtsdatum und Geburtsort

2. Angaben zur Sache

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Frau/Herr, Name, Vorname(n), Geburtsname

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den _____

Unterschrift



32-32/220002274/4

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Datum 25.02.2020

 Kreis Mettmann
Der Landrat

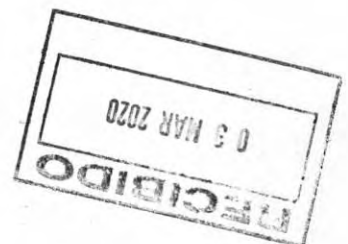
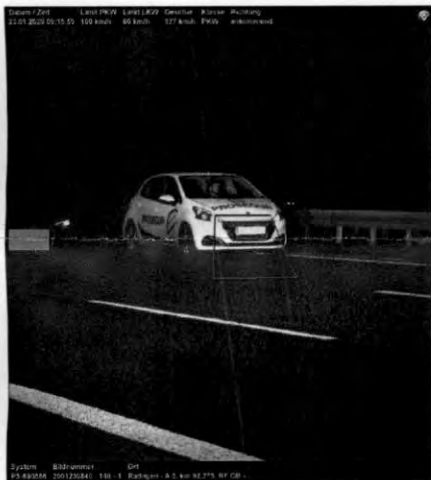
Anlage zum Schreiben vom 25.02.2020

Tattag: 23.01.2020
Tatzeit: 09:15
Tatort: Ratingen, A 3, km 92,275, RF OB
amtl. Kennzeichen: 9202LBV

Tatbestandstext:

Sie überschritten die zulässige Höchstgeschwindigkeit außerhalb geschlossener Ortschaften um 23 km/h. Zulässige Geschwindigkeit: 100 km/h. Festgestellte Geschwindigkeit (nach Toleranzabzug): 123 km/h.
§ 41 Abs. 1 iVm Anlage 2, § 49 StVO; § 24 StVG; 11.3.4 BKat

Hier vorliegende Beweismittel:
Poliscan M1 HP Film-Nr. 2001230840 Bild-Nr. 146



Questions - exploratory interviews

Questions for general content and legal stakeholders

Note: This is intended to be a guide for the exploratory interviews and to help guide and steer the questions. Depending on how the level of knowledge of respondent, not all aspects may be tackled.

General questions

- Introduction of respondent
- The fine company (www.finecompany.nl) is a service/intermediary used by a majority of the large leasing and rental companies in the Netherlands, Belgium and Luxemburg to handle all fines processing on their behalf. As such, they have a fairly accurate view of the level of cross border fines processed, as well as their origins.
- What is your involvement in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences?

Identification of the problems

- What are the problems in cross-border investigation of road traffic offences?
- What are the problems in cross-border enforcement of sanctions for road traffic offences, namely in mutual recognition of administrative or judicial decisions on financial penalties?
- Are there problems with the protection of fundamental rights in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences?
- How often do these problems occur (always, quite often, sometimes, it is a one off)?
 - For international car rental companies (like Hertz, Europcar), the average of incurred cross border fines as a percentage of total fines handled is approximately 20% for Dutch registered vehicles. For Belgian rental offices, approximately 40% of all fines are cross border, and Luxemburg about 50%.
 - For leasing companies this percentage for the Dutch registered fleet is between 10 and 15%.
- What is the scale of the impact of these problems (e.g. what is the share of decisions which are not recognised/executed due to different legal liability regimes or impossibility to track down/find presumed offender)?
- Do the problems occur in specific MSs (if yes, where?) or are they EU wide?
 - Origin of fines incurred (so where did the traffic infraction take place)
 - For Dutch rental vehicles, approx 30% of fines were incurred in France (summer peak), 25% Germany, and 20% Belgium
 - For Belgian rental vehicles, 50% of fines came from the Netherlands, and approx 30% from France
- Are there, to your awareness, any bilateral / multilateral agreements in place between Member States in the field of cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences? How do they work?

Possible root causes of the problems

- Are the abovementioned problems of:

- i. legal nature (e.g. personal data protection, legal liability regimes, different level of fundamental rights protection, complicated or non-harmonized cross-border procedures etc.);
 - ii. administrative nature (e.g. lack of translation services, different content of vehicle registers, lack of electronic/on-line exchange of information, etc.);
 - iii. practical nature (e.g. inadequate investments, etc.)?
- What are the main weaknesses of Directive (EU) 2015/413 (the CBE Directive)? Which aspects need to be improved?
 - Is the scope of the CBE Directive in terms of road traffic offences adequate? If it is not, what offences should be added to the scope?
 - Are there any changes taking place that were not expected at the time the CBE Directive was drafted and negotiated?
 - Do some of the identified problems arise from other legislation? If yes, which?
 - To what extent there are legal problems and to what extent the problems of uniform implementation?

Possible effects of the problems

- How do you think these problems will evolve if nothing changes?
- What would be potential solutions to the problems?
 - Would administrative or technical solutions suffice?
 - Are legal changes needed?
- Is an EU action required? Why or why not? Is it only necessary to improve the way current EU legislation is applied, or there is a need to go beyond (subsidiarity)?

Suggestions

- Could you provide relevant literature, data sources and stakeholders to contact?

Fine Company BV
CEO of the Fine Company BV
Peter van Rijswijk

vanrijswijk@finecompany.nl
+31 6 511 48 233
www.finecompany.nl

Questions - exploratory interviews

Questions for general content and legal stakeholders

Note: This is intended to be a guide for the exploratory interviews and to help guide and steer the questions. Depending on how the level of knowledge of respondent, not all aspects may be tackled.

General questions

- Introduction of respondent
 - Daniel RIGAL / SG / French Vehicle Rental and Leasing Association
 - Fédération Nationale des Loueurs de Véhicules – FNLV
- What is your involvement in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences?
 - To help companies to tackle their problems

Identification of the problems

- What are the problems in cross-border enforcement of sanctions for road traffic offences, namely in mutual recognition of administrative or judicial decisions on financial penalties?
 - See notes on the French situation attached
- Are there problems with the protection of fundamental rights in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences?
 - No
- How often do these problems occur (always, quite often, sometimes, it is a one off)?
 - Quite often
- What is the scale of the impact of these problems (e.g. what is the share of decisions which are not recognised/executed due to different legal liability regimes or impossibility to track down/find presumed offender)?
 - Not known
- Do the problems occur in specific MSs (if yes, where?) or are they EU wide?
 - Mainly in NL, B, I, S
- Are there, to your awareness, any bilateral / multilateral agreements in place between Member States in the field of cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences? How do they work?
 - One between F and B for parking fines

Possible root causes of the problems

- Is the scope of the CBE Directive in terms of road traffic offences adequate?
 - YES
- If it is not, what offences should be added to the scope?
 - None
- Do some of the identified problems arise from other legislation? If yes, which?
 - From non harmonized legislation

Possible effects of the problems

- How do you think these problems will evolve if nothing changes?
 - Increased if fines do

Suggestions

- Could you provide relevant literature, data sources and stakeholders to contact?
 - Notes on French situation are annexed



Fines process in France Vehicle Registration Data

March 2020

Long term rental (more than 24 months) - Only B to B operational lease.

Registration process

The LTR Company sends Vehicle Data to the Registration Authority (Minister of Interior) with name and address of the lessee company.

In the registration database, are both data relating to the Owner – Lessor (name, address, ...) and data relating to the Holder – Lessee (name, address, ...).

On the car registration document will be written: Name of the LTR Company (owner) and Name and address of the Lessee Company (holder).

Fine process

Fines are sent to the National Center of Treatment (speeding, traffic light, parking, bus lane, ...) The CNT sends a request to the Registration Authority data base to check if it is the car of a lessor.

- If Yes, the CNT queries a car lessor data base.

Why a Car Lessor data base?

The LTR Company may also wish to declare its fleet to the CNT to manage for its client the fine process and be sure that information concerning the lessee company is the good one. Mainly to have the fine sent not to the address of the registration data base, but to a specific address where the fine will be managed. Most of the French LTR Companies do it.

The fine will be sent directly to the Lessee Company at the address found in the car lessor data base.

- If No, the fine will be sent to the lessor (owner) at the address found in the Registration Authority data base

Leasing (more than 24 months) - Financial lease (LOA, Crédit-bail)

Registration process

This offer of Banks/financial institutions or Captives is mainly operated by manufacturer dealer networks.

The dealer sends Vehicle Data to the Registration Authority (Minister of Interior) with name and address of the lessee (company or individual).

In the registration database, are both data relating to the Owner – Bank/FI or Captive (name, address, ..) and data relating to the Holder – Lessee (name, address, ...).

On the car registration document will be written: Name of the Bank/FI or Captive (owner) and Name and address of the Lessee Company or individual (holder).

Fine process

Fines are sent to the National Center of Treatment (speeding, traffic light, parking, bus lane, ...) The CNT sends a request to the Registration Authority data base to check if it is the car of a lessor (Bank/FI or Captive).

If Yes, it will be checked if this car is in the Car Lessor data base.

If No, the fine will be sent directly to the Lessee Company or individual at the address of the Registration Authority data base.

Nota : Banks/FI are not declaring in the Car Lessor data base, some captives manufacturers do it.

Short term rental (up to 24 months)

Registration process

First case

The STR Company sends Vehicle Data to the Registration Authority (Minister of Interior).

In the registration database, data relating to the Owner – Lessor (name, address, ...)

On the car registration document will be written: Name of the STR Company (owner)

Second case

For example Hertz France:

- RAC Finances is the Owner (financing the car)

- Hertz France = is the Holder

In the registration database, are both data relating to the Owner – RAC Finances (name, address, ...) and data relating to the Holder – Hertz France (name, address, ...).

On the car registration document will be written: Name of RAC Finances (owner)

and Name and address of Hertz France (holder).

Fines process

First case

Fines are sent to the National Center of Treatment (speeding, traffic light, parking, bus lane, ...)

The CNT send a request to the Registration Authority data base to check if it is the car of a lessor.

All cars of STR are in the Car Lessor data base

The CNT will send a request to STR Company to collect information of the contract (date of contract, name and address of the lessee (company or driver), driving licence number, date of birth, ...)

The fine will be sent to the lessee (company or driver)

The request is repeated during 45 days to obtain the information.

If the STR Company does not answer during this time the fine will be sent to the STR Company.

Second case

Hertz France declares its fleet to CNT (date of rentals and car registration number), then the CNT will send a request to Hertz France the lessor (and not to RAC Finances)

to collect information of the contract (date of contract, name and address of the lessee (company or driver), driving licence number, date of birth, ...)

The fine will be sent to the lessee (company or driver)

The request is repeated during 45 days to obtain the information.

If Hertz France does not answer during this time the fine will be sent to Hertz France

Third case

Small STR companies have the possibility to benefit of the same process via a private concentrator agreed both by the Minister of Interior and FNLV.

France, Exchange of information

March 2020

Directive 2011/82/EU of the European Parliament and of the Council of 25 October 2011 facilitating the cross-border exchange of information on road safety related traffic offences (OJEU 5 November 2011)

Modified by Directive 2015/413 (OJEU 13 March 2015)

Article 4 Procedure for the exchange of information between MS

...access to the following national VRD (Vehicle Registration Data), with the power to conduct automated searches on:

- (a) data relating to vehicles; and
- (b) data relating to owners or holders of the vehicle.

...The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is personally liable for road safety related traffic offences referred to in Articles 2 and 3.

The software applications recommended by the European Commission to organize the exchange of information between the countries applying the Directive is EUCARIS: European Vehicle and Driving Licence Information System.

In France the relevant authority is ANTAI – Agence Nationale du Traitement Automatisé des Infractions (minister of Interior).

ANTAI receives every days requests, from concern Members States competent authority, on cars registration number with probably brand, type, model, color (this has to be checked with ANTAI in a coming meeting).

ANTAI answers the requests, sending the all registration information in the French data base concerning the car.

At this point star our problem.

In the note “Fines process in France” it is pointed out that the French registration data base has two addressees : one for the owner and one for the holder.

From the cases addressed by lessors to the Association, it is difficult to understand the process of Member States competent authorities. Sometimes the fine is send to the owner, sometimes to the holder. But also it may change from one fine to another for the same competent authority.

It is very confusing and difficult to manage in a process by companies.

What we wish

- clarify the process and at the end find an agreement with each Member State competent authority to have a single process.
- try to have the greatest number of fines sent to the holder.

Questions - exploratory interviews

Questions for general content and legal stakeholders

Note: This is intended to be a guide for the exploratory interviews and to help guide and steer the questions. Depending on how the level of knowledge of respondent, not all aspects may be tackled.

General questions

- Introduction of respondent: The Bank Association of Slovenia, Leasing office
- What is your involvement in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences? We are representing leasing companies who as owners of vehicles receive calls to pay sanctions made by their clients

Identification of the problems

- What are the problems in cross-border investigation of road traffic offences?
 1. Union cross-border exchange of information is (mis)used also for traffic offences which are not listed in Article 2 of Directive (EU)2015/413. For example our members receive from Italian cities/provinces "Information letters" for traffic offences such as "driving in a pedestrian zone, etc"
 2. In a national VRD there are leasing companies registered as "owners" and their clients as "holder of the vehicle" means the person in whose name the vehicle is registered, as defined in the law of the Member State of registration. It is obvious that in this cases leasing companies can't be "personal liable for road safety offences (article 4 of directive)" but they receive "information letters" instead of clients directly what causes cost, involving unnecessary resources and prolongs and complicates offence procedure for investigators. It is clear that it has only sense "Information letters" to be sent directly to the "holders".
 3. The "Information letters" from national investigation bodies are issued in national languages, some of them quite exotic (example Hungarian), and thus nonunderstandable, specially within asked time framework.

DIRECTIVE (EU) 2015/413 OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of 11 March 2015

facilitating cross-border exchange of information on road-safety-related traffic offences

Article 4

Procedure for the exchange of information between Member States

1,2 omitted

3. When conducting a search in the form of an outgoing request, the national contact point of the Member State of the offence shall use a full registration number.

Those searches shall be conducted in compliance with the procedures as described in Chapter 3 of the Annex to Decision 2008/616/JHA, except for point 1 of Chapter 3 of the Annex to Decision 2008/616/JHA, for which Annex I to this Directive shall apply.

The Member State of the offence shall, under this Directive, **use the data obtained in order to establish who is personally liable for road-safety-related traffic offences listed in Article 2 of this Directive.**

- What are the problems in cross-border enforcement of sanctions for road traffic offences, namely in mutual recognition of administrative or judicial decisions on financial penalties?
It is not directly the question but it is to note that We, and all other nations where clients having holidays in Croatia are faced with fact that parking offences are requalified as “civil offence” and after couple of years, leasing companies, maybe already finishing leasing contract are faced with call for payment, where original payment is low (10 EUR) and additional connected costs as late interest, attorneys, translations etc are some hundreds EURO without being prior called advised about such a “offence”.
- Are there problems with the protection of fundamental rights in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences? As explained mechanism can be used for all traffic offences, not only them under the directive
- How often do these problems occur (always, quite often, sometimes, it is a one off)? Daily
- What is the scale of the impact of these problems (e.g. what is the share of decisions which are not recognised/executed due to different legal liability regimes or impossibility to track down/find presumed offender)? No problems at all for the investigating bodies as they send their wrongly “Information letters” to leasing companies and they presume them as offender what might be so also by national laws.
- Do the problems occur in specific MSs (if yes, where?) or are they EU wide? Problem with translation might be EU wide (by us Hungary, Austria, Italy)
- Are there, to your awareness, any bilateral / multilateral agreements in place between Member States in the field of cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences? How do they work?

No

Possible root causes of the problems

- Are the abovementioned problems of:
 - i. legal nature (e.g. personal data protection, legal liability regimes, different level of fundamental rights protection, complicated or non-harmonized cross-border procedures etc.);
 - ii. administrative nature (e.g. lack of translation services, different content of vehicle registers, lack of electronic/on-line exchange of information, etc.);
 - iii. practical nature (e.g. inadequate investments, etc.)?
- What are the main weaknesses of Directive (EU) 2015/413 (the CBE Directive)? Which aspects need to be improved? The “Information letters” should be addressed exclusively to the “holders of the vehicle”
- Is the scope of the CBE Directive in terms of road traffic offences adequate? If it is not, what offences should be added to the scope?
- Are there any changes taking place that were not expected at the time the CBE Directive was drafted and negotiated?
- Do some of the identified problems arise from other legislation? If yes, which? As mentioned Croatian case, case now within ECJ (C-307/19)
- To what extent there are legal problems and to what extent the problems of uniform implementation?

Possible effects of the problems

- How do you think these problems will evolve if nothing changes? Leasing companies will be overfaced with unproductive and unnecessary work, for investigating bodies it is unnecessary delay and additional administrative work
- What would be potential solutions to the problems?
 - Would administrative or technical solutions suffice? Might be, that in a case where there are “owner” and “holder” only data for “holder” can be exchanged

Are legal changes needed? Yes in a changes of directive to be more clear that “holders” are first adreesse for “information letters” and “Information letters” should be in one of widely EU recogniasible language or the formular should be made in a way as it is “EU insurance report” you fill in when there is a car accident and you know in your national language what is written on other side of formular in a foreign language
- Is an EU action required? Why or why not? Is it only necessary to improve the way current EU legislation is applied, or there is a need to go beyond (subsidiarity)? Yes EU action is required to make it unique for the EU territory.

Suggestions

- Could you provide relevant literature, data sources and stakeholders to contact?
The Bank Association of Slovenia, Šubičeva ulica 2, Ljubljana, Slovenia, Leasing office

Questions - exploratory interviews

Interviewers: Kostas Rigas & Lauranne Hintjens

Interviewee: Tispol President – Volker Orben

Date: 28/2/2020

Introduction

The following text was provided by the President, before the interview:

TISPOL is the network of European traffic police forces.

Most European traffic polices are member of the TISPOL network.

As the President, I am very proud to be the voice of this European Roads Policing Network. We need this voice to highlight the importance of our daily work for all European citizens. Traffic police officers are responsible for the effective and efficient enforcement of traffic rules. Accidents do not just happen, mostly drivers made a mistake and this mistake mostly is also an offence against traffic rules. The weekly number of road deaths in the EU (around 500 on average) is equivalent to two passenger airliners crashing and killing everyone on board. We can't say this often enough. Enforcement contributes to the compliance of traffic laws and saves lives. To ensure effective and efficient enforcement, roads policing as a requirement needs enough police officers, technical devices in all European countries and suitable enforcement legislation. It is very simple: without enforcement, traffic rules are worthless. I will be the voice that highlights this demand at a European and a national level.

Increased and well-publicised enforcement targeting the main risks of speeding, drinking and drug driving, distraction and non-use of seat belts on the road forms a fundamental part of achieving the new EU 2030 targets.

At EU level the Cross-Border Enforcement Directive 2015/413 is up for revision in 2019/2020. It covers the main offences causing death and serious injury in the EU: speeding, drink/drug driving, non-use of seat belts and mobile phone use at the wheel.

TISPOL has identified a number of barriers which need to be addressed in the upcoming revision. These include; the need to update camera specifications, overcoming the lack of human resources in case of manual follow up.

As well as addressing the cross-border aspects of enforcement the revision should also prioritise action to improve and align the enforcement of the main offences at a national level. A common approach is needed to allow for equal treatment of connected and automated vehicles across Europe. Joint enforcement actions on the key priorities, such as the Europe-wide day without a road death (2019: TISPOL Project EDWARD) and "Speed Marathon," should also be encouraged as this helps foster political will and helps exchange best practice.

The revising of Directive 2015/413 should:

- strengthen the enforcement chain, including mandatory notification by the State of Offence in accordance with their national legislation.
- Adapting existing EU mutual assistance procedures to deal with cross border road traffic offences <https://goo.gl/2xSXH2>
- Investigating avenues for EU revision of existing legislation to cover the mutual recognition of non-financial penalties such as driving disqualifications and demerit point systems.

-Encouraging Member States to set up and implement a demerit point system which includes a set of fixed penalties for at least the eight major road safety related offences included in the CBE Directive 2015/413.

Mutual recognising of driver disqualification strengthen the impact of enforcement

Enforcement, especially speed enforcement is a suitable instrument to avoid road accidents: drivers obey traffic rules e.g. speed limits because they are afraid to get caught and have to pay a fine.

But not only fines are deterring, also and very effective instrument is “driver disqualification”.

Currently driver disqualifications have only national impact: drivers are disqualified only in that MS the offense happened.

Experts say that about 15-20 percent of offenses are committed by drivers from abroad. TISPOL OPG Working group gave report that drivers are going abroad with the intention to drive “as fast as possible” on motorways. Drivers know, that there is no danger for their driver’s license if they are speeding abroad.

TISPOL recommends a mutual recognition of driver disqualification. This means that a driver from Germany, who gets a driver disqualification in Italy, is not allowed to drive in Germany and also in no other MS.

So in result the message should be: No matter where you are speeding, you will have to pay a fine and you get disqualified also in your home country.

Owner Liability and driver disqualification

Most MS have owner liability, evidence is a picture of the car with license plate, no front picture of the driver is necessary. The owner gets the ticket and pays the fine. No problem.

But: For driver disqualification police has to investigate who was the driver, often difficult and mostly impossible if there is no front picture to identify the driver.

In result: No identification of the driver possible, no driver disqualification.

Possible solution for all MS should be:

1. Owner liability for all offenses without driver disqualification.
2. Driver liability for offences with driver disqualification.

Interview notes

Workings of the CBE Directive

The information gathered by the police needs to be further used for the follow-up of the offence.

This is the beginning of the cross-border enforcement, which focuses on when the offender is not living in the nation in which the offence is made.

What is the problem:

In speed offences, the offender is not stopped at the scene, so there has to be an investigation, . in order to ascertain who the driver is. Therefore, the problem really exists when the driver is unknown and not stopped on the scene. A drunk driver stopped on the road can be identified, but a driver that is speeding and the camera only takes a picture of the license plate, , and only the owner of the car can be identified. For some MS with the offence the driver needs to be identified, while in other MS only the owner of the car needs to be identified, for further investigation and follow-up.

There is no issue of lack of human resources in the detection process, the problem is inherent in the system. There is the issue of different cameras used in MS, as, some only taking pictures of license plates, while others also take pictures of the drivers. And this links with the question of owner-liability or driver-liability, which is the legal issue between the MS and the problem that has to be tackled.

To clarify, if you have a driver-liability, then you need a picture of the driver. In some countries, pictures are made only of the license plate (from behind), so there is no possibility to identify the driver and hold them responsible. Ideally all pictures from speeding offences should be in the front. However, MS with an owner-liability might actively choose to only take pictures of license plates, to protect certain rights of the passenger for example. CBE is for all MS in the EU and therefore, the commission has to harmonize these laws and regulations in the MS. This is what is meant regarding the camera specifications as impacting the problem. This is not a matter of having more traffic cameras.

Mutual driving disqualifications

Some MS, e.g. Germany, have driving disqualifications. For example, an MS can take away your driving license, but you could still drive in the country you reside officially. This means that you would only be disqualified in the country where the offence is made. During your disqualification, you should not be allowed to drive anywhere in the EU. Otherwise there is less impact of the enforcement of traffic rules. A recommendation is that the Commission should introduce the owner-liability for all offences, without driver disqualifications and use driver-liability for offences with driving disqualifications. For this last offence, front pictures should be delivered.

15-20% and the OPG working group results

In the introduction text, it is mentioned that the OPG working group finds that 15-20% of traffic offences are made by non-residents, and that non-residents are crossing borders with the intend to speed. There is no official report stating this, this is an impression of TISPOL members and it is based on impressions from police officers.

MS would have statistics on this as they have to give reports every two years and the Commission should be able to provide us figures on how many speeding tickets have been issued to non-national registered vehicles, especially for the years '16-'17. There might not be reports yet for all MS for the period '18-'19.

EU involvement

If the Commission keeps the directive as is, there will not be an increase in the number off offences that are successfully persecuted/investigated. Now there is a gap between the number of offences and how many are investigated/follow-up with. This gap should be lower. The Directive should be adapted so that this gap can decrease. If nothing is undertaken, there will be a negative effect on road safety.

Connected and automated vehicles:

In 2022, new cars will have so called intelligent speed-assistance, which tells the driver how fast he allowed to go, the speed limit is implemented. This system is possible to be overwritten, so future vehicles will still be able to make speed offences.

Possible sources (to interview or gather information):

- European traffic law – ETSC to interview
- Possible to interview these nations that have still driving responsibilities. Most of the MS have owners responsibilities. Ministry of transport could be contacted to further gather information on this.

Exploratory interview - Dutch Ministry of Justice

Interviewers: Linette de Swart & Lauranne Hintjens

Interviewee: Pieter van den Broek

Date: 1 8/3/2020

General questions

Introduction of respondent

Mr. van den Broek is policy officer for the Ministry of Justice and Safety, and is point of contact for the Netherlands in the CBE-dossier. He is involved on a policy level. Mr. van den Broek also advises us to talk to CJIB (Central Judicial Collection Agency), as the CJIB is responsible for the actual execution of the Directive. Mr. van den Broek provided us with contact details.

For as the revision concerned, The Ministry has already provided the commission points which the Netherlands wants to address of would like to change. The memo has been made in collaboration with Ministry of infrastructure, police, etc, has provided a memo with suggestions to changes to the Directive. (The document is provided)

The respondent has also provided us with four documents for more background information:

- WAHV notice 2019-2018
- Bilateraal agreement NEL – BEL
- Bilateraal agreement NED – Switzerland
- Media attention and note on parking fines

Problems with the Directive

The Netherlands sends out every year around 10 million traffic fines. This figure includes both fines to residents and non-residents. Of the 10 million fines, around 1 million is sent to non-residents, for those fines the framework of the CBE Directive is used. The number of fines send abroad is constant, which is an indication that the system is working.

To exchange information on drivers, the Netherlands uses Eucaris. This system seems to work fine apart from some technical issues (which are explained in the memo). All Member States, except Bulgaria are connected. Therefore exchanging information on drivers is rather easy. In essence, the Directive works fine.

Follow-up of fines

Sending the fines works well. All fines are send out in the national language of the recipient. Every year, the Ministry looks at the collection percentages to see how much of the fines are paid and by whom. Every year the Ministry publishes a public notice, indicating how many fines have been send abroad and what the collection levels were. The information is presented on a country level. Although overall the collection percentage is quite okay, the figures also show that in some countries, for example in France and Poland, the collection percentage is consequently lower.

Reasons for non-payment

The lower number of fines paid seem to result from practical issues or national customs. Whether legal issues, such as differences in liability schemes, play a role is difficult to say. This could best be asked to the CJIB, who might be more familiar with this part.

As said, collection percentages in France and Poland are lower than average. Around 50%-60% of their fines are paid. For France some practical reasons could be mentioned. For example, there are signals that the general willingness to pay fines is lower than in other countries. This does not

specifically refer to fines issued by other Member States, but also applies to fines issued by France to French citizens. Furthermore, it seems that the system used for connecting number plates and addresses is less developed, meaning that it is harder to track down the offender. Another argument is that the mail system in France is not always that reliable, with for example missing mailboxes.

Scope of the Directive

It could be desirable to extend the scope of the Directive by including a number of offences, such as parking fines, tolls, environmental zones and trucks parking on the emergency lane. The motivation for extending the scope is also further detailed in the accompanying memo sent to the study team.

Between countries where there is no agreement for information exchange, it can be harder for local government to collect fines or local parking taxes. However, not all of the offences proposed above have a clear link with road safety (which is the focus of the Directive). Adding offences that do not have this clear link leads to the need to find other legal bases to justify their inclusion in the Directive. By doing this, one enters a complex debate as one may move from fines only. For example in the Netherlands, someone not paying for the parking ticket, will not only receive a parking fine but also needs to pay parking taxes (*naheffing parkeerbelasting*). This is a fiscal measure and not a fine. By adding parking tickets to the scope of the Directive, one also includes fiscal sanctions into the Directive, and one needs to be careful whether this would be expedient.

In addition to the above, it is also important to discuss whether it is desirable to extend the scope, and add more (road) offences. In such a case, the focus would move away from traffic offences. This could, however, have a negative effect on the core of the Directive, which aims at improving traffic safety (and decreasing fatalities). Politically it is debatable as action will no longer be directly linked to increasing road safety, but could be viewed as ways to collect more money. A tension between road safety and fatalities on one side with the collection of money on the other occurs.

Extending the scope is interesting, but focus could best be on optimising the current workings of Directive, as the Directive has not reached its full potential yet (see points below).

Decreasing the number of road fatalities

There are other elements that could decrease the number of road fatalities, for example, (improved) automatic detection of some of the other CBE-offences, such as handsfree driving, not wearing seatbelts and driving on closed lanes. Recently technology to detect such offences automatically has improved and is installed (at least in the Netherlands). By extending the possibilities to detect these offences, as well as other CBE offences in an automated way would increase road safety. Mr. van den Broek is not aware whether other Member States also have technology in place to detect such offences automatically, but by adding it, the number of offences detected could increase substantially. In case Member States lack funds to install the required equipment, the Commission could consider to set up a funding scheme to support those Member States.

Also communication on the aims and usage of the CBE Directive is important. The Commission could gain a lot by more actively communicating why we are doing this and what the consequences are, also towards the Member States and/or at crucial places (border points and highways with international traffic).

Most important types of fines issued

Most traffic fines issued are issued for speeding. This offence is/was the most easy to detect as one can detect this offence automatically (e.g. offender caught by traffic camera). Since a few years also the detection of other CBE-offences can be done automatically, so a rise in detection and fines

is expected here as well. Although for some offences detection has become easier, others are still hard to detect automatically (e.g. drunk driving). Such offences can often only be detected by stopping the car and then the CBE-Directive no longer applies. Mr. van den Broek shared the CJIB figures on the fines issued on the CBE-Directive.

Bilateral Agreements

On top of the framework set out by the CBE Directive, the Netherlands has adopted additional bilateral agreements on the use of the road. For example, one with Belgium and one with Germany. These bilateral agreements focus on information exchange. For Belgium, the agreement is very broad and covers many road offences (*inbreuk op het weggebruik*). The agreement with Germany is more stringent and covers mainly parking tickets.

Mr. van den Broek shared the agreements with the study team.

Concluding remarks

It remains important to discuss whether it is desirable to extend the scope, and add more (road) offences. In such a case, the focus would move away from traffic offences, and consequently from improving traffic safety, towards more fiscal reasoning. Extending the scope can have a negative effect on the core of the Directive. On the other hand, issues like low emissions zones, parking tickets, etc. do need to be taken more into regard and could be included in this Directive. Further research is needed to assess which option is the most desirable.



Mr Rudolf Koronhály
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DG MOVE
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memo

Input on revision of CBE Directive

Datum
October 11th 2019

Dear Mr Koronhály,

Following our phone conversation of 18 March, I am sending you our input on the roadmap/Inception Impact Assessment of the revision of Directive 2015/413/EU on Cross-border Enforcement (CBE). This letter also addresses some technical issues.

1. Some member states (MS) use the Cyrillic or Greek alphabet to enter information in EUCARIS. It is difficult for other MS to translate these messages automatically and to process Cyrillic/Greek addresses in their systems. The addresses have to be transliterated to the Latin alphabet, and transliterating them back afterwards to the correct Cyrillic/Greek letters is not possible.
We suggest adding one or more fields in the message exchange to include information in the original character set. In this way the name and address information would be available in both Latin and Cyrillic/Greek characters. This would enable both the clerk processing the information and the letter carrier delivering the letter imposing a fine to read and write the information in their own characters.
2. The structured address fields '*StreetNumber*' and '*StreetNrAnnex*' are currently too restrictive, as numeric 1-5 and alphanumeric 1-7 do not suffice to enter some necessary information.
We suggest using the revision to change the format of these fields.
3. The various error codes reported by all MS in the third quarter of 2018 have been investigated by EUCARIS in cooperation with the Dutch national CBE working group. The results show that some MS return error codes more than others, and that requests by certain MS result in an error more often than requests by others. The current error codes apply to multiple situations regarding the holdership/ownership of the vehicle.
Our proposal is to

- **improve recognition of vehicles' country of registration, to avoid sending requests to the wrong country;**
- **better specify error situations and the resulting error codes in the responses;**
- **improve the registration procedure for vehicles in the MS so as to establish a complete liability chain for each vehicle, without any gaps.**

Directoraat-Generaal
Straffen en Beschermen
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Jeugd

Datum
October 11th 2019
2566753

4. Currently, all Dutch vehicles that enter a low emission zone in the Netherlands are recorded by means of automatic number plate recognition (ANPR), and the owners are fined if the vehicle is not allowed to drive in the zone for environmental reasons. This process works smoothly for Dutch vehicles, but not for foreign vehicles that enter the Dutch zones. There is no legal basis for recording number plates of vehicles entering an environmental zone and subsequently requesting information on the vehicle's characteristics. This means that the authorities are unable to establish at the time of entry if the vehicles are in compliance with the environmental restrictions, and thus determine whether an offence has been committed. As a result the restrictions cannot be enforced by means of ANPR. The same applies to the enforcement of low-emission zones for foreign vehicles throughout the EU.

We suggest using the revision to expand the CBE Directive's scope to enable retrieval of vehicle characteristics and owner/holder data in the interests of sanctioning violations of environmental zones by vehicles from foreign countries. We realise that this will probably also entail broadening the main goal of the directive.

5. The situation described above also applies to parking violations¹ committed by drivers of foreign vehicles: there is no legal basis for requesting information on the vehicle's characteristics. Consequently, parking violations by foreign vehicles cannot be sanctioned.
We suggest using the revision to expand the CBE Directive's scope to enable the sanctioning of parking violations by foreign vehicles.
6. When a fine sent to a resident of another MS is not paid, enforcement is entrusted to that person's state of residence, in accordance with Council Framework Decision 2005/214/JHA on the Application of the Principle of Mutual Recognition to Financial Penalties. The certificate which is required to transfer enforcement requires detailed information about the natural person, for example first name, place of birth, date of birth, etc.
Our proposal is to have the information required under the CBE Directive correspond to the information required for other, later procedures. If this is not possible, an alternative could be to request additional information using basic information, such as a date of birth.
7. In general, we would like to stress the importance of **accurate** and **complete** information delivery by MS. Incomplete or outdated information is still a common reason for inability to impose sanctions for CBE offences.

¹ Applies to 'parking where prohibited' as well as 'unpaid parking fee for a public parking bay'.

8. Speed limit violations are considered a criminal offence in the Netherlands, and the Dutch Public Prosecution Service can deal with such offences by imposing a fine without bringing the case to court. However, this is only possible when it has been established that the suspect is guilty of the offence, and the decision imposing a fine must be sent to the address given for the person in the Personal Records Database. This is difficult in the case of a foreign vehicle, because interviewing the alleged foreign driver requires a European Investigation Order. Furthermore, the CBE Directive does not provide a legal basis for requesting this information from foreign countries; it only provides for exchange of vehicle registration details, and these do not always match the driver's data. As a result, it is not always possible to enforce the sanctions.
9. In general, we would like to draw more attention to the position of **car hire companies**. In general, the information and services provided through national procedures refer to the natural person/actual driver (owner/holder of the car) instead of a car hire company. In the Netherlands, for example, there are several car hire companies that provide services including handling traffic fines for drivers. These Dutch companies are not allowed to share personal information on the drivers with other parties. In some MS it is obligatory to do so, even if the fine has been paid. This leads to some unexpected consequences. Some car hire companies have indicated that they have received decisions imposing fines for not providing a driver's name, even after they have paid the fine for the driver's traffic violation.

10. Multi-country inquiries

One reason for error messages under the CBE or for the delivery of decisions imposing fines to the wrong person is an incorrect interpretation of number plate syntax and of the country to which it corresponds. We suggest introducing a new service allowing a MS to send a message with just the numbers and letters of the number plate to several or all MS, to check on the vehicle's characteristics (make, model, colour). The responses would enable the MS to verify with certainty in which country the vehicle is registered, and only then to request owner/holder information.

11. Parked trucks

Parked trucks with resting drivers are becoming an increasing problem for trafficsafety and –flow on Dutch highways. Where it used to be a problem only in the borderareas near Germany during German holidays, parked trucks are seen more and more throughout the country. Offenders are mainly foreign trucks with drivers, who are not willing to find a legal parking place.

Due to the missing of the additional offence code in the CBE, it's momentarily not possible to sanction on license plate for foreign vehicles. Therefore it's not possible to enforce effectively and stop the development of increasing numbers of trucks on the hard shoulder. The verbalizing of a driver is a time consuming and dangerous effort. Dangerous because the enforcer has to park on the hard shoulder of a highway with hardly any

space for enforcement and because the drivers aren't always friendly to receive a sanction. Enforcement on license plate will increase the occurring possibilities of an enforcer and improve safety and traffic flow on Dutch Highways.

Request is to add the offence codes R465c and R472c to the ECB.

**Directoraat-Generaal
Straffen en Beschermen**
Directie Sanctietoepassing en
Jeugd

Datum
October 11th 2019
2566753

Interview Guide Exploratory Interview

March 12, 2020

Directorate-General for Mobility and Transport

Unit: Road Safety (MOVE.DDG2.C.2)

Inception report

Impact Assessment support study for the revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences

Framework contract for impact assessment and evaluation studies in the field of transport (MOVE/A3/2017-257)

Introduction

As part of a study to support the Commission in the impact assessment exercise concerning a possible revision of Directive (EU) 2015/413, facilitating cross-border exchange of information on road-safety-related traffic offences ('CBE Directive') led by Ecorys in a consortium with Wavestone and Grimaldi, this exploratory interview serves as a **basis for understanding EUCARIS' functioning**, ambition and functionality limits.

The objectives of this study are to develop and assess evidence-based policy to improve road safety through better cross-border enforcement of road traffic rules. A 2016 *ex-post* evaluation of the CBE Directive application pointed to areas for improvement particularly regarding the effectiveness of the Directive, which however may depend on the application of the procedures not covered by the Directive (e.g. mutual assistance in cross-border investigation of road traffic offences or mutual recognition of financial penalties). This study will inform the Commission Impact Assessment in the revision of the Directive, which will have to extend to other policy areas such as police and justice cooperation.

As part of this study, Wavestone is responsible for conducting an ICT impact assessment that will assess the expected costs and benefits of policy options against a baseline scenario and identify a preferred option. The impact assessment will gather relevant information through a variety of consultation activities targeting the directly affected stakeholders as well as the general public, providing the opportunity to contribute views, make suggestions and provide evidence.

As EUCARIS is an existing system that is being used as part of the CBE Directive for data exchange purposes, this exploratory interview will be the opportunity to better understand **EUCARIS' functioning, its current status** as well as the limits of its functionalities and to learn about the its most recent developments. This exploratory interview may lead to further follow-up interviews that dive deeper into the subject.

For more information on how we handle your data, please read our specific privacy statement before answering the questionnaire. We will not include your name or any other information that could identify you in any reports we write.



Privacy_Statement_P
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1 Introduction to EUCARIS

Q1. Could you please give us an overview on EUCARIS, including aspects on its governance, main supported business processes and links with other systems?

EUCARIS is a cooperation of Member States which is not in the scope of the EU. It is an international treaty which is basis for cooperation. **EUCARIS' main goal is to operate a system for the exchange of information.** It is functional since the mid-90s, and technology has only developed since. EUCARIS started by exchanging of information on the re-registration of vehicles and on driving licences, with the intention to fight fraud and crime after the export of vehicles (especially from Western to Eastern European countries). Today, the transport-related information exchange has grown even further.

EUCARIS' business model is to support the eight road safety related traffic offences of the CBE Directive and other information for police and other forces under the Prüm Council Decision.

EUCARIS is governed by the Member States and all EU Member States are mandatorily part of it. The members hold a yearly meeting to define the priorities of the upcoming year. All parties to the EUCARIS treaty (countries having signed it) and third parties are present at the general assembly meeting and make decisions all together on, for example, budget allocations.

Q2. Could you please explain the history of EUCARIS and detail the most recent developments of the system?

The main goal of EUCARIS at its inception was to prevent crime connected to the export of stolen vehicles. EUCARIS provided the majority of its support on the exchange of driving licence information. Today, **EUCARIS'** support goals have become more widespread, nevertheless, still including fight against criminality.

EUCARIS became involved with the European Union around 2005, when the Prüm Convention was signed to step up cross-border cooperation, particularly in combating terrorism, cross-border crime and illegal migration. The use of EUCARIS mandated by EU legislation shortly followed course. In a series of recent publications of new EU legislation, EUCARIS is mentioned many times. It is mandatory for Member States to use EUCARIS dictated by various EU legislation (e.g. legislation on tolls; cooperation on VAT with DG TAXUD; police information). To be noted though, EUCARIS does not have a central hub to exchange data under the CBE Directive.

However, there are various situations where alternative solutions with a central hub in the European Commission can be used as alternative solutions. For example, RESPER – P2P communication on driving licences or the tachograph card information function through the European Commission and EUCARIS acts as interface or router for information.

Q3. Could you please confirm that the following information are the only one that can be exchanged through EUCARIS: vehicle information (vehicle registration); owner/holder information (personal data); driving license information?

The above information was exchanged at the start of EUCARIS. Since then, amongst others, today the EUCARIS system exchanges driving licence information; Certificate of Conformity (COC) information provided by vehicle manufacturers that is needed for first registration of vehicles; VAT information for fighting fraud and crime under the auspices of DG TAXUD; EUCARIS supports the NIS Directive; tachograph information; insurance registrations; and information on transport undertakings in the ERU system.

EUCARIS also collects information under legal frameworks, as for example the Salzburg Forum, a Central European security partnership of Austria, Bulgaria, Croatia, the Czech Republic, Hungary, Poland, Romania, Slovakia and Slovenia. These countries cooperate in areas of police cooperation, illegal immigration, witness protection, fight against drugs, traffic safety and other areas of internal security. EUCARIS gives follow up proceedings on investigating the drivers of vehicles, ensures that the address of the owner is correct, makes sure the fine/information letter is in line with the CBE Directive and the fine is delivered to the country of registration of the vehicle (additional mutual support by the Member States). In the future, exchange on insurance and cargo information will also be explored.

For most countries, it is rather unclear what a legal base is under the exchange of information, therefore a group of countries having cooperated already decided to organise the Salzburg Forum. Countries not involved in the Forum are looking at the possibility of using e-CODEX.

There exist various ideas on the exchange of information by police forces (TESTA) which is used by EUCARIS, and the department of justice that sticks to e-CODEX because the private sector uses it more. Unfortunately, this leads to a large division between justice and home affairs on how to tackle the homogeneity problem.

Q4. Which Member States are participating to the system and what are the dates of joining? For those that are not participating to the system, are they foreseen to be part of EUCARIS? If not, why?

All European Union Member States as well as EFTA countries are connected to EUCARIS. Even some smaller states such as Gibraltar are using EUCARIS. Pre-accession/candidate countries as well as countries on other continents are also currently exploring the possibility to access the EUCARIS Network.

In some cases, the inquiries may not be done in the context of the CBE Directive, however, all EU countries mandatorily provide information. A difficulty they may be facing is the amount of information to be processed to respond to requests.

Q5. Could you please share the statistics you have regarding the use of EUCARIS in the CBE?

EUCARIS is currently preparing the requested information of the year 2019 and will deliver it to Mr. Koronthaly of DG MOVE. However, a rough estimate is that around 11 million requests were made in the year of 2019.

The number of searches resulting in a penalty and the success rate of identifying the offender cannot be answered by EUCARIS.

2 EUCARIS and the CBE Directive

Q6. What is **EUCARIS's role** in cross-border investigation of road traffic offences and/or cross-border enforcement of sanctions for these offences?

The main role of EUCARIS is to provide the holder/owner of the data, to be used by the fine collectors to send out the necessary information letter. Further investigation may follow the sending out of the letter.

Under the Salzburg services, there is a possibility to transform more data and to ask for more information about the driver. In the case of EUCARIS, it only transforms requests from decentralised registers, but there is no central database. EUCARIS only provides the exchange mechanism and transfers one **Member State's request to the other.**

EUCARIS is also working with municipalities in Europe to provide vehicle information that is necessary to make sure that there is an offence that happened (step before sending out the fine). Providing the correct vehicle information is necessary for that.

Parking offences are currently not covered by EUCARIS, however, many countries have bilateral agreements on the subject. There is also a distinction between public law (parking in a dangerous and not allowed spot) and other spots where the car is parked but the fee had not been paid.

Q7. Is there any other European system overlapping with or complementary to EUCARIS in the context of the CBE Directive? What is the potential link with other systems (e.g. RESPER, SIS II, e-CODEX, e-Evidence, Prüm Treaty)?

RESPER: It is now used by EU-28 and 23 countries of these, use it as EUCARIS. The 5 remaining are connected to the network of countries via the central hub. There is a strong link between the two systems.

SIS: EUCARIS asked for the possibility to link with them because the two systems have partly the same information, on stolen vehicles. The alerts of the stolen vehicles and vehicle registrations is not completely in line with one another and the information between the two systems often overlaps. In

some cases, when a vehicle is found, it is not automatically reported to SIS. The vehicle can thus sometimes be stopped because it is reported as stolen. DG HOME and Council working groups will include this as an update in the Prüm software.

Prüm Treaty and Prüm Council Decisions: These concern the exchange of information including stolen vehicles. Currently there is ongoing work for a new version that has a lot of new elements such as DNA and fingerprint recognitions.

e-CODEX: In the Netherlands for example, there is ongoing work on the exchange of sanctions for infringements from one country to another, as the Salzburg services. EUCARIS is investigating the possibility to link and connect the two systems. This could be organised via an international exchange and connecting Europe would make this a closer cooperation. A link can be made on the exchange of the financial penalties, which cannot be executed by the country where the offence happened, and needs more information on the type of offence, where it happened, and the status of the investigation.

e-Evidence: EUCARIS is not involved with e-Evidence. It is a legal basis to allow the exchange of electronic evidence. A series of provisions mandate the provision of this exchange and was meant to be implemented through e-CODEX.

Q8. What are the EUCARIS functionalities currently deployed which supports the application of the CBE Directive? Is there any further development expected regarding the EUCARIS CBE module?

It is expected that the Directive on tolls will result in situations where the fine or the toll money will have to be collected. Salzburg also has a provision on this aspect. Furthermore, this type of information is also exchanged (on top of the eight provisions of the CBE Directive) on the basis of bilateral treaties, such as between Austria-Switzerland, and France-Switzerland.

Non-sensitive vehicle data is also exchanged in order to establish the fact that an infringement took place, before sending out the fine and undertaking enforcement activities. Parking infringement, as mentioned above, is a major part of the total infringement that happens throughout the European Union. EUCARIS would have the technical capabilities to direct parking penalties between countries. There are only small functional differences in the concept, and the small elements can be added to the system in an easy and efficient way.

Note: EUCARIS will select a set of (relevant) documents about its concept and architecture to send to Wavestone.

Q9. If the CBE Directive is not revised, will the EUCARIS system nevertheless develop or improve its functionality?

Information can be exchanged without the CBE Directive's legal basis, as there are other EU legislation that exist. If the CBE Directive is not revised, information can only be exchanged on the basis of other EU legislation or based on bilateral treaties. It would, of course, be preferred to include more types of information in the revision of the CBE Directive.

Q10. Given the differences in the national vehicle registers, how can EUCARIS overcome this?

The philosophy of EUCARIS is based on decentralised national registers. Together, the Member States specify the information exchanged (**'output harmonisation'**).

For example: if a car's colour is red, country A and B may have different codes in their systems for this same information. EUCARIS then comes in and gives a single homogeneous code. The mapping of the reference values is done by the Member States. Information is transferred from country A to country B in the code defined by EUCARIS, which, in other words, does a double translation for the sending and receiving sides in order to use the same language/data formats.

3 Technological functions of EUCARIS

Q11. Does EUCARIS provide any functionality to interface with systems performing automated number plate recognition? Can EUCARIS extend its functionality in this respect? If so how? What are the limits of the technology? Would there be any legal (or other) obstacle?

There are no direct interfaces at the moment. When talking about ANPR (automated number plate recognition), it is too difficult to synchronise throughout the EU and limits exist.

EUCARIS, as a platform, is 100% automated and is able to process about 20 transactions per second but not thousands like Google for example. EUCARIS has limitations in the load of information exchange that it can tackle, also in terms of going towards countries.

IN ANPR, there are other systems where a download of a database occurs and a manual check is made only in special cases. If there is speeding, for example, an inquiry will be made for further examination. In the realm of the CBE Directive, the info is first sent in the form of a photo, to start the back-office process. The link is then not direct in the EUCARIS Network. Concerning the operational interface of the ANPR, it could be important to deliver input to camera systems that recognise vehicle plates. The specifications for such a system could include: register of vehicle number plates, including colour, font, and how are characters segregated (sticker, hyphen, space). For the moment, this type of information is not present in the vehicle registration specificities, whereas it is important for camera software providers to include this. Such a system could be used to determine with certainty which country the photographed plate comes from originally. Registration authorities should be tasked with setting up a

database with this information. **If two countries' plates resemble, it would also be easier to make sure** that the back-office process is sent to only those two countries instead of multiple because of lack of clarity.

Q12. Is there a technical solution within EUCARIS for electronic exchange of information, which would **facilitate the provision of additional evidence of driver's identity and tracking down presumed** offenders with unknown address? If yes, what?

Salzburg services are operational. Recently, the participating countries have started exchanging this information through it.

Note: The Austrian authorities could be of further help to respond to this question.

Q13. What are the limits of the technology of EUCARIS and what obstacles exist to its use?

EUCARIS can easily handle 20 transactions per second. The obstacles that exist to the system are mainly legal. There is a need to have a real legislation in Europe to make it possible to exchange technical information on vehicles, as well as on parking and other traffic offences that are currently not in the list of the CBE Directive. It is up to the national contact points to make sure that the technical limits can be met. This is not up to the software but the national infrastructure that makes the information exchange happen smoothly.

4 Further information

Q14. Could you provide us with further relevant data sources and stakeholders to contact that you believe are relevant for this study?

Note: EUCARIS will provide Wavestone with further information. Wavestone will also contact the national contact points at a later stage as well as conduct a more in-depth interview with EUCARIS.

Q15. Is there anything that you would like to discuss with us in the scope of this project?

The funding of EUCARIS relies on the Member States.

5 Contact information

The information provided in this section will be used only when answers need to be further elaborated or clarified.

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Thank you for your time!

Annex II – Survey on problem definition and baseline

Analysis of survey results

To gather evidence to collect information for the problem definition as well as the baseline, four surveys were launched during the period of 30 November 2020 to 8 January 2021. These four surveys were directed at different stakeholder groups namely:

1. Ministries of Transport (MoT), Ministries of Interior (MoI), Transport Authorities (TA), Police authorities (PA);
2. Ministries of Justice (MoJ) and Justice Authorities;
3. Road safety organisation;
4. Road users (e.g. driver's association, road users associations, business associations).

The survey was aimed to fill remaining gaps in the knowledge and evidence base. Questions were asked on legislation, especially on liability regimes, sanctions, and enforcement, data on road traffic offences, related procedures, including the follow-up of the investigation of road traffic offences and enforcement of sanctions for these offences. Respondents were also provided with the opportunity to upload and/or share evidence.

The results of the survey have been integrated in chapter 2. The numbers provided in this chapter are cleaned up, and analysed on the level of individual Member States. With this analysis, similar answers from representatives from the same Member States have been excluded. Only when there were diverging answers from the same Member State, did we keep this data in the analysis. Where possible, 'I do not know' has been excluded, for example, if a respondent from the same Member state did provide an answer.

With this document, we have also included a pdf, which includes all the data in pdf-format.

In this annex, we quickly provide an overview of the type, number and geographical information of respondents.

Survey directed at Ministries of Transport, Ministries of Interior, Transport Authorities, Police authorities

A total of 69 respondents have filled in the table, of which 35 respondents (51%) reached the end. From the respondents, 10% were from transport authorities, 23% were from Transport Ministries, 28% were representatives for police authorities and 36% were representatives for Interior Ministries. The remaining 13% identified themselves as other (e.g. ministries of justice, registration authorities, or combined answers from Ministry of Interior and Ministry of Transport). The figures below illustrate the total of respondents per Member States, that provided partial or full responses as well as what the division between type of authority/ministry is per Member State.

Figure A 1 Overview of the number of respondents per member states divided by partials and full responses to the survey directed at MoT, Mol, TA and PA

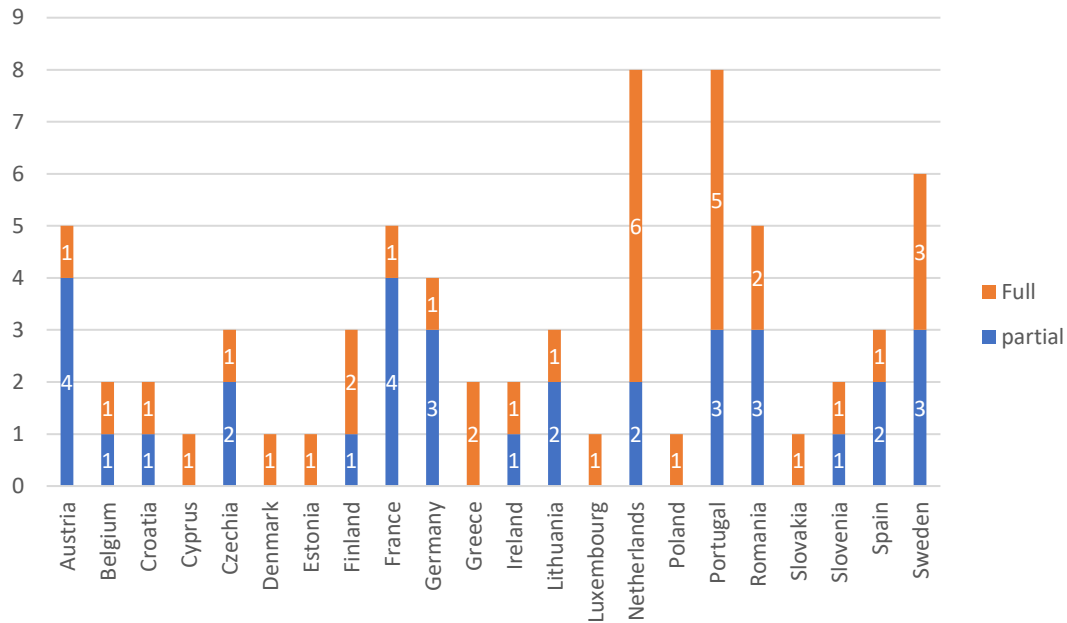
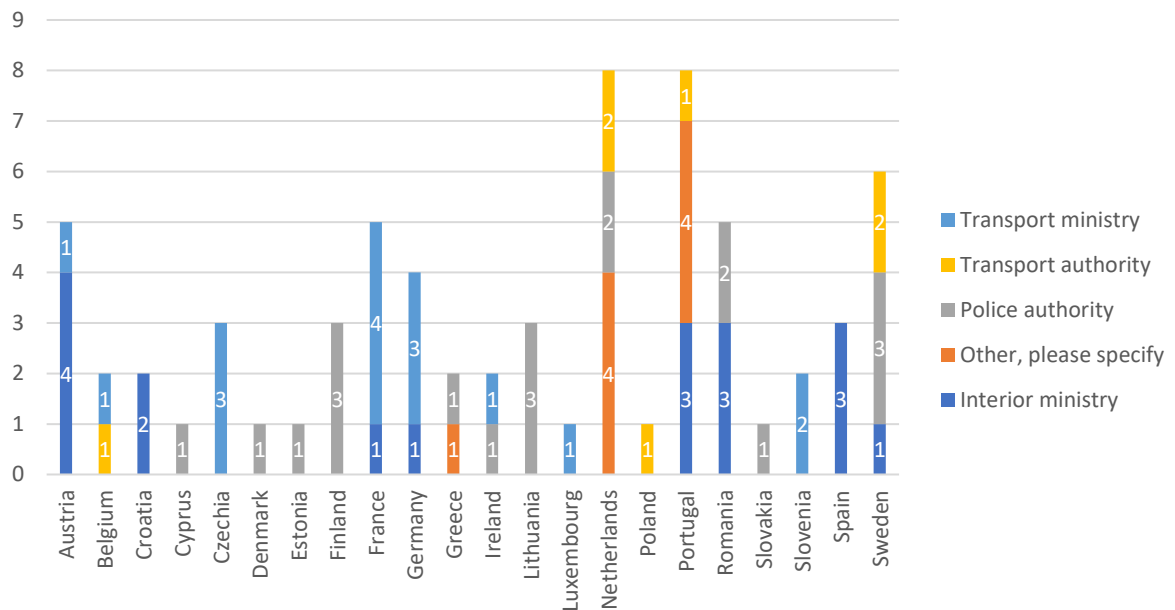


Figure A 2 Overview of the number of respondents per member states, categorised by type of authority/ministry directed at MoT, Mol, TA and PA



Survey directed at ministries of Justice and Justice authorities (legal survey)

A total of 59 respondents have filled in the table, of which 16 respondents (27%) reached the end.

From the respondents,

The figures below illustrate the total of respondents per Member States, that provided partial or full responses as well as what the division between type of authority/ministry is per Member State.

Figure A 3 Overview of the number of respondents per member states divided by partials and full responses to the survey directed at MoJ and JA

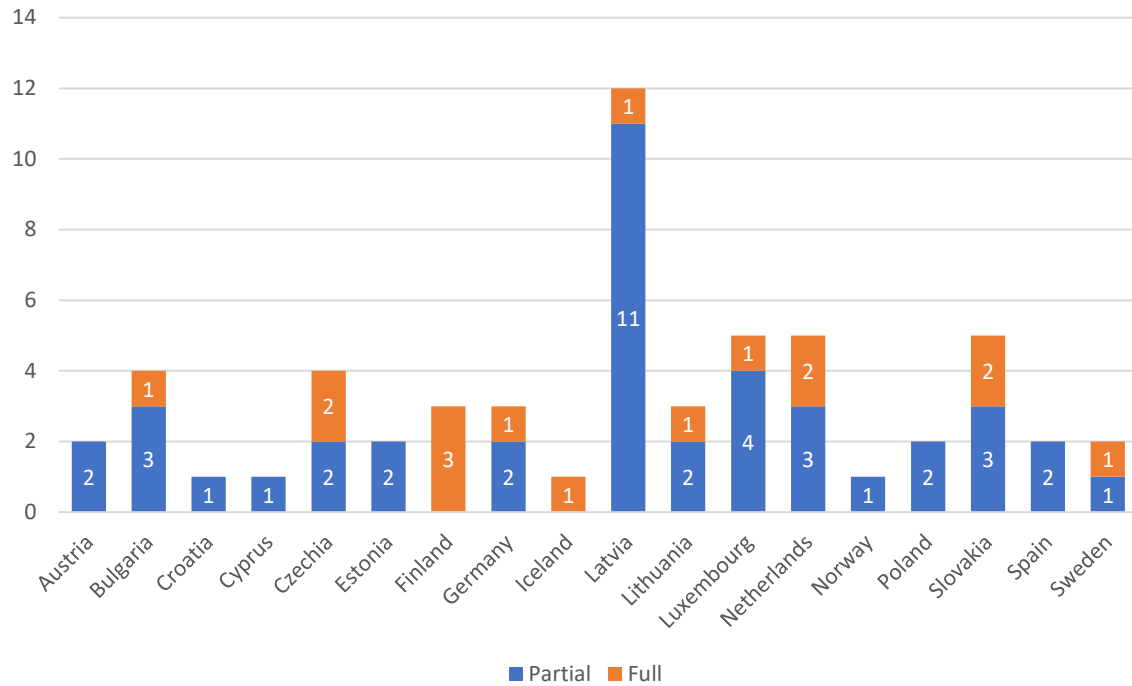
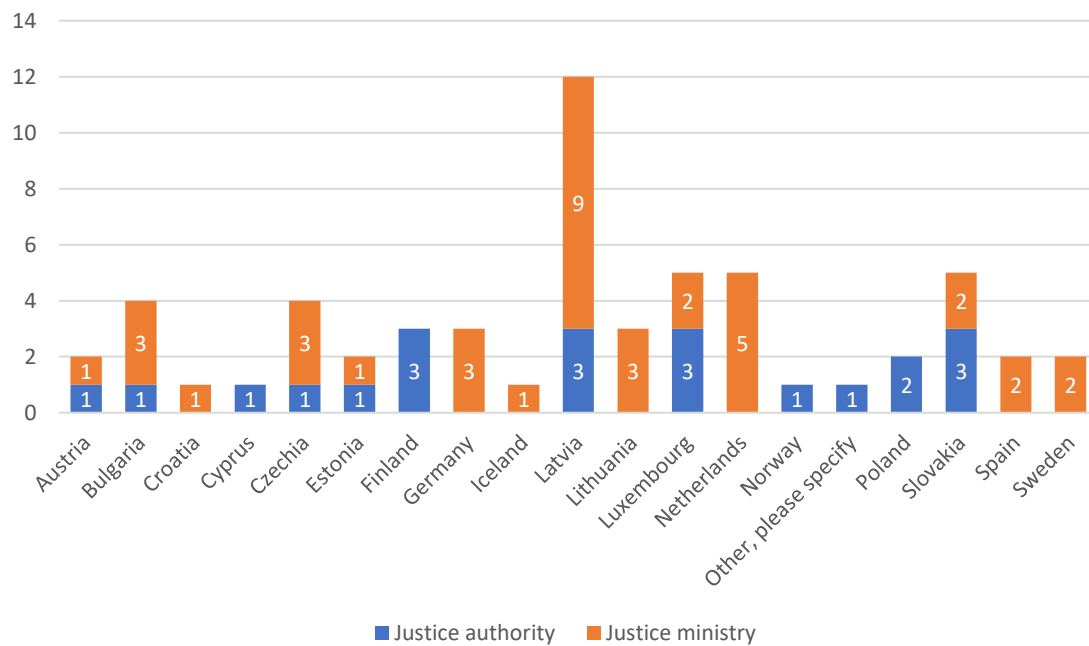


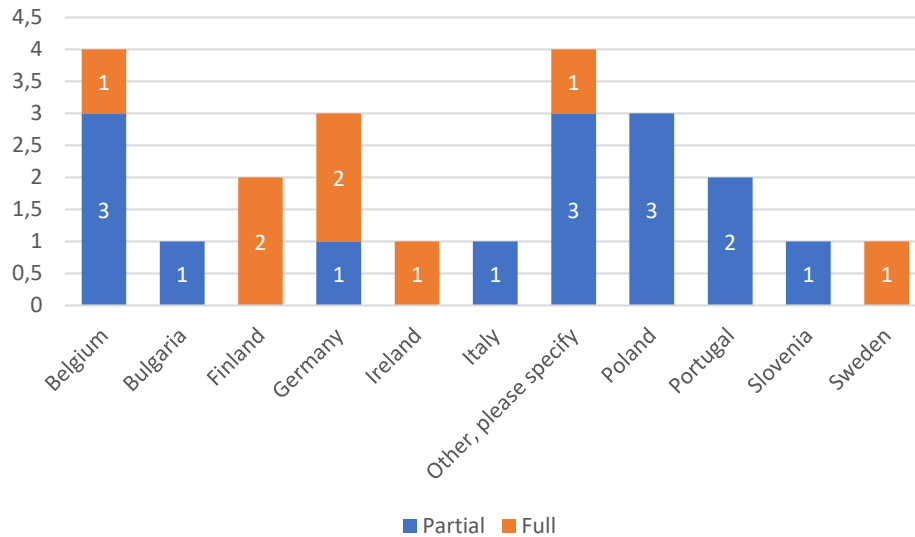
Figure A 4 Overview of the number of respondents per member states, categorised by type of authority/ministry directed at MoJ and JA



Road safety organisation

Road safety organisations (on national as well as international level) were contacted with the request to fill in the survey. Through the European Traffic Safety Council (ETSC) an extra request was launched for Members of the ETSC to fill in the survey. A total number of 23 respondents answered the survey, of which 35% finished the survey in full. The survey was filled in by representatives from research organisations, road safety organisations, as well as non-profit public organisations, law enforcement and an insurance company

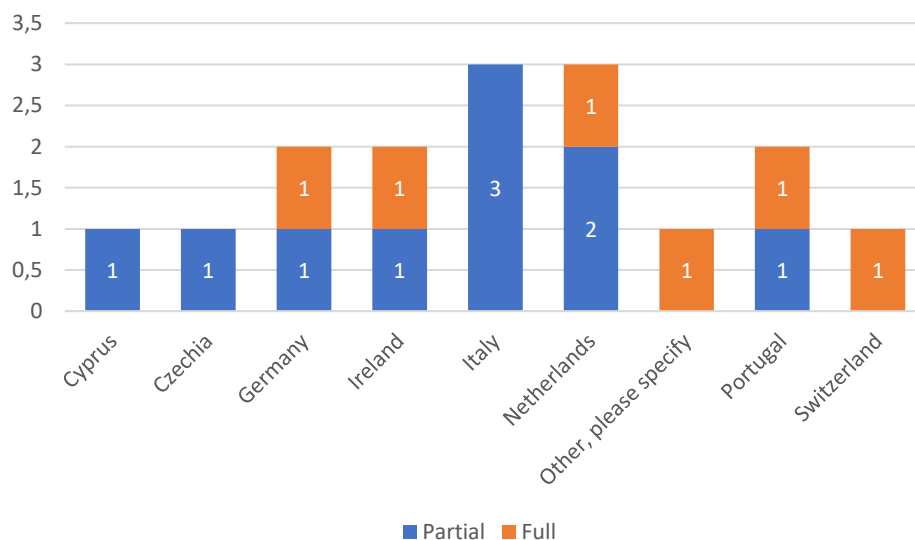
Figure A 5 Overview of the number of respondents per member states divided by partials and full responses to the survey directed Road Safety organisations



Survey directed at road users

Representatives for driver's association, road users associations and business associations were contacted with the request to fill in the survey. A total number of 16 respondents answered the survey, of which 38% finished the survey in full.

Figure A 6 Overview of the number of respondents per member states divided by partials and full responses to the survey directed at road users



Final questionnaires and results

The relevant documents are provided in PDF, which includes the:

- programmed questionnaires for four surveys;
- results as presented in Checkmarket format for four surveys. This only includes the representation of raw data

Collecting evidence for European policy making: Investigation of road traffic offenses and enforcement of sanctions for these offences

Thank you for taking the time to fill in this questionnaire that collects information for the **Impact Assessment support study for the revision of the Cross-Border Enforcement Directive (Directive (EU) 2015/413) that facilitates cross-border exchange of information on road-safety-related traffic offences**. This study is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) and runs until March 2021.

The Cross-Border Enforcement Directive (CBE Directive) is aimed at improving road safety through enhancing cross-border enforcement of road traffic rules and to make sure residents and non-residents are treated equally. Better enforcement is expected to improve the compliance of non-residents with road traffic rules through the deterrent effect of sanctions. This then reduces the risk of road fatalities, injuries and material damage, and so benefits European society.

For more information on the Directive, please see on the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L0413>

The study research team has already collected some data. This survey is to fill remaining gaps in our knowledge and evidence base.

We ask questions about legislation, data on road traffic offences, related procedures as well as for your views on possible measures and impacts. You will also have the opportunity to upload supporting evidence or other documents.

No confidential information is asked for in this survey. Any private information collected by us, i.e. the European Commission's appointed research contractor (Ecorys, and its partners Grimaldi and Wavestone), will not be shared with anyone outside the research team.

Your information would **help us to understand the problems encountered in practice more clearly**. It would also help us to **assess the (good and problematic) effects of a number of possible policy approaches** to address those problems.

1. Which country are you located in?

- | | |
|-----------------------------------|---|
| <input type="radio"/> Austria | <input type="radio"/> Belgium |
| <input type="radio"/> Bulgaria | <input type="radio"/> Croatia |
| <input type="radio"/> Cyprus | <input type="radio"/> Czechia |
| <input type="radio"/> Denmark | <input type="radio"/> Estonia |
| <input type="radio"/> Finland | <input type="radio"/> France |
| <input type="radio"/> Germany | <input type="radio"/> Greece |
| <input type="radio"/> Hungary | <input type="radio"/> Ireland |
| <input type="radio"/> Italy | <input type="radio"/> Latvia |
| <input type="radio"/> Lithuania | <input type="radio"/> Luxembourg |
| <input type="radio"/> Malta | <input type="radio"/> Netherlands |
| <input type="radio"/> Poland | <input type="radio"/> Portugal |
| <input type="radio"/> Romania | <input type="radio"/> Slovakia |
| <input type="radio"/> Slovenia | <input type="radio"/> Spain |
| <input type="radio"/> Sweden | <input type="radio"/> Iceland |
| <input type="radio"/> Norway | <input type="radio"/> Liechtenstein |
| <input type="radio"/> Switzerland | <input type="radio"/> Other, please specify |

2. For what type of authority/ministry do you work?

- | | |
|---|--|
| <input type="radio"/> Transport authority | <input type="radio"/> Transport ministry |
| <input type="radio"/> Police authority | <input type="radio"/> Interior ministry |
| <input type="radio"/> Other, please specify | |

3. For which authority/ministry do you work and what kind of responsibility does the authority/ministry typically have?

4. Does your authority/ministry have responsibilities for the entire country or sub-national/state-level responsibilities?

- National level
 Sub-national/state-level
 Local level
 Other, please specify

Detected road traffic offences

In the following questions, we would like to learn about detected road traffic offences in your country/area of responsibility, and some characteristics related to offences committed by foreign registered vehicles.

5. In your country/area of responsibility, what type of road traffic offences are detected using automatic and/or manual checking equipment? You can choose multiple offences.

- Speeding
 Drink-driving
 Non-use of seat belt
 Failing to stop at red traffic light
 Use of forbidden lane
 Driving under the influence of drugs
 Failing to wear a safety helmet
 Illegally using a mobile phone or any other communication devices while driving
 Other, please specify
 I do not know

Go to question 14 if you answered I do not know

6. How many pieces of automatic checking equipment does your authority have available to detect the following offences

| | Current number of automatic checking equipment | What is the foreseen development the number of automatic checking equipment in the coming 5 years | I do not have this information as it does not fall under my responsibilities / we do not have this data |
|---|--|---|---|
| Speeding | <input type="checkbox"/> | Select one ▼ | <input type="radio"/> |
| Drink-driving | <input type="checkbox"/> | Select one ▼ | <input type="radio"/> |
| Non-use of seat belt | <input type="checkbox"/> | Select one ▼ | <input type="radio"/> |
| Failing to stop at red traffic light | <input type="checkbox"/> | Select one ▼ | <input type="radio"/> |
| Use of forbidden lane | <input type="checkbox"/> | Select one ▼ | <input type="radio"/> |
| Driving under the influence of drugs | <input type="checkbox"/> | Select one ▼ | <input type="radio"/> |
| Failing to wear a safety helmet | <input type="checkbox"/> | Select one ▼ | <input type="radio"/> |
| Illegally using a mobile phone or any other communication devices while driving | <input type="checkbox"/> | Select one ▼ | <input type="radio"/> |
| Other, please specify | <input type="checkbox"/> | Select one ▼ | <input type="radio"/> |

7. What are the possible reasons behind the development (increase/decrease) indicated above? Please include to which type of road traffic offence you refer.

8. How does your authorities' automatic checking equipment detect the following offences

| | Front | Back | Both front and back | I do not know / NA |
|---|-----------------------|-----------------------|-----------------------|-----------------------|
| Speeding | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Drink-driving | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Non-use of seat belt | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Failing to stop at red traffic light | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Use of forbidden lane | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Driving under the influence of drugs | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Failing to wear a safety helmet | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Illegally using a mobile phone or any other communication devices while driving | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other, please specify | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

9. Are any of the types of automatic and/or manual checking equipment used by your country's authority/authorities able to detect more than one traffic offence? If so, please explain what type of road traffic offences can be detected with a single device and provide the number the number of devices.

The following questions are if you work for the Police authority or the interior ministry. If you represent a transport authority/ministry you can move ahead to question 19

10. With reference to each CBE road traffic offence, in addition to pecuniary sanctions, are there any other type of sanctions applicable Demerit Point Schemes, Driving Disqualification. Please fill in the table below to the best of your knowledge.

| | Driving Disqualification | Demerit Points | Other | Short description / threshold | N/A |
|---|--------------------------|--------------------------|--------------------------|-------------------------------|-----------------------|
| Speeding | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="radio"/> |
| Drink-driving | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="radio"/> |
| Non-use of seat belt | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="radio"/> |
| Failing to stop at red traffic light | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="radio"/> |
| Use of forbidden lane | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="radio"/> |
| Driving under the influence of drugs | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="radio"/> |
| Failing to wear a safety helmet | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="radio"/> |
| Illegally using a mobile phone or any other communication devices while driving | <input type="checkbox"/> | <input type="checkbox"/> | <input type="checkbox"/> | | <input type="radio"/> |

Driving disqualification: a driving ban that the court can give for a road traffic offence (the offender is not allowed to drive for certain period decided by the court)
Demerit/Penalty point scheme: a national program that allocates penalty points (demerits) for a range of driving offences. The scheme is designed to encourage safe and responsible driving and combat recidivism

11. Do the Driving Disqualification scheme and the Demerit Point / Penalty Point Schemes in your country apply to non-residents/ foreign offenders?

| | Yes | No | There is no such scheme | Other sanction scheme of road traffic offences | Please provide a short explanation | I do not know |
|-------------------------------|-----------------------|-----------------------|-------------------------|--|------------------------------------|-----------------------|
| Driving Disqualification | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Demerit Point / Penalty Point | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

Driving disqualification: a driving ban that the court can give for a road traffic offence (the offender is not allowed to drive for certain period decided by the court)
Demerit/Penalty point scheme: a national program that allocates penalty points (demerits) for a range of driving offences. The scheme is designed to encourage safe and responsible driving and combat recidivism

12. We would like to know more about the qualification of road traffic offences (criminal or administrative) in your country and about the minimum pecuniary sanctions (financial penalties) for these offences. Please complete the table below to the best of your knowledge.

| | Qualified as mixed (i.e. criminal or administrative depending on the seriousness or other circumstances) | | | Minimum amount of pecuniary sanction in Euros | I do not know |
|---|--|-----------------------------|--|---|-----------------------|
| | Qualified as criminal | Qualified as administrative | Qualified as mixed (i.e. criminal or administrative depending on the seriousness or other circumstances) | | |
| Speeding | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Drink-driving | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Non-use of seat belt | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Failing to stop at red traffic light | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Use of forbidden lane | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Driving under the influence of drugs | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Failing to wear a safety helmet | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Illegally using a mobile phone or any other communication devices while driving | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

13. Please specify if, why the same offence was classified as mixed, e.g. as administrative as well as criminal

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*14. What types of evidence have specific technical standards/requirements (e.g. type of camera equipment, type of photo, ...), required in your national legal system? (Multiple answers are possible)

- Typology of equipment that can be used for detecting the offence (automatic and/or manual)
- Photo from front or back of the vehicle
- Other, please specify
- Type approval procedures for the checking equipment (ensuring accuracy)
- Driver visibility
- I do not know

Data and statistics on traffic offences and non-resident offenders

We would like to ask some questions on the data and statistics on traffic offences. As such, at the moment there is a lack of actual information on the number of foreign drivers on your countries' roads and how many offences are committed by these drivers. Therefore, we would like to ask you some questions on statistics and data. We hope you can answer the following questions to the best of your knowledge. Every bit of information is helpful, and an educated guess is also useful.

15. We would be interested in some more information on the yearly number of offences detected in your country/area of responsibility. We invite you to complete the following table to the best of your knowledge. Please use the latest year for which data is available. If you prefer, you can also upload a file with the information in the next question.

- I will fill in a table
 I will upload files

 I have no data

16. We would be interested in some more information on the yearly number of offences detected in your country/area of responsibility. We invite you to complete the following table to the best of your knowledge. Please use the latest year for which data is available.

| | Total number of offences detected | Total number of offences committed by foreign registered vehicles | Number of offences detected with "automatic and/or manual checking equipment" which are committed by foreign registered vehicles | Number of offences detected with "automatic and/or manual checking equipment" which are committed by foreign registered vehicles | I do not know |
|---|-----------------------------------|---|--|--|-----------------------|
| Speeding | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Drink-driving | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Non-use of seat belt | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Failing to stop at red traffic light | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Use of forbidden lane | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Driving under the influence of drugs | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Failing to wear a safety helmet | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Illegally using a mobile phone or any other communication devices while driving | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Dangerous parking | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Overloaded vehicles | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Access to restricted areas (UVARs) | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Non-payment of tolls | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Parking (parking at restricted area or exceeding permitted time) | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |
| Other, please specify | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="text"/> | <input type="radio"/> |

17. For which area of responsibility did you answer the previous question?

- National Local
- Regional, namely
- I did not provide any answers

18. If you stated that you would prefer to upload a file, you can use the following function to upload a file on the

- Yearly number of offences detected in your country Upload file...
- Total number of offences detected committed by foreign registered vehicles
- Number of offences detected with automatic and/or manual checking equipment Upload file...
- Number of offences detected with automatic and/or manual checking equipment which are committed by foreign registered vehicles Upload file...
- Upload file...

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19. How would you expect that the number of road traffic offences committed by foreign registered vehicles will evolve over the next 5 years? By what order of magnitude to you/your authority expect them to decrease, increase or are they not expected to change? Please provide your reasoning and any evidence and assessment that support your response.

20. Is there any data available on the share of vehicles, in terms of kilometers driven km with a foreign license plate on your domestic roads within the last year?

- Yes No
- I do not know

21. What is your estimate on the share of vehicles km with a foreign license plate on your domestic roads within the last year?

- There is no data available Smaller than 1%;
- 1-5%; 6-10%;
- 11-15%; 16-25%;
- More than 25%; Other, please specify
- I do not know

22. Please provide us with the document stating the share of vehicles with a foreign license plate on your domestic roads (in km)

Upload file...

Upload file...

Procedure of automatic and manual detection of offences

In the following questions, if the type of authority/ministry work is police authority or interior ministry, we would like to ask you how automatically and/or manually detected offences, which were committed by foreign registered vehicles are followed-up and eventually enforced in your country/area of responsibility. We will use this information to help establish a baseline of the current number of offences, where the offending driver is not stopped and identified. **The following questions are for ministries of interior and police authorities, apart from question 25 and 26 which is for all**

23. Looking back over the last available year and based on information available to you, what percentage of offences detected with automatic and/or manual checking equipment", and which were committed by a foreign registered vehicle and followed-up by a request for information sent to the vehicle's Member State of origin?

- < 10%
- 10% - 20%
- 21% - 30%
- 31% - 40%
- 41% - 50%
- 51% - 60%
- 61% - 70%
- 71% - 80%
- 81% - 90%
- 91% - 99%
- 100%
- I do not know

24. We previously asked you to provide us with a percentage on offences detected with automatic and/or manual checking equipment which were committed by a foreign registered vehicle and followed-up by a request for information sent to the vehicle's Member State of origin. Does your organisation keep statistics on this, or was your answer based on an expert guess?

- Expert guess
- We keep statistics

25. Are there at present any plans to investigate offences committed by foreign registered vehicles more frequently in the coming years?

- Yes
- No
- I do not know

26. If question 25 was answered with yes, what is the most important reason for this increase? Please elaborate.

Bilateral and multilateral agreements with other European Member States

We would now like to ask you some questions on bilateral or multilateral agreements between Member States. This way, we can gather information on other legislation used to follow-up on road traffic offences by non-resident/foreign offenders. We use this information to evaluate and compare the effectiveness of the Directive in comparison to other bilateral and multilateral agreements on road traffic offences. **The following questions are for Interior Ministries and police authorities, for transport authorities/ministries, please answer from question 33.**

27. Does your country have any bilateral and/or multilateral agreement with other EU Member States that facilitate the investigation to identify the presumed non-resident/foreign offenders?

- Yes
- I do not know
- Not applicable
- No

28. If above answered with yes, with which Member State(s) has your country entered into this kind of agreement(s) on the investigation to identify the presumed non-resident/foreign offender? (multiple options possible)

- | | |
|--|--|
| <input type="checkbox"/> Austria | <input type="checkbox"/> Belgium |
| <input type="checkbox"/> Bulgaria | <input type="checkbox"/> Croatia |
| <input type="checkbox"/> Cyprus | <input type="checkbox"/> Czechia |
| <input type="checkbox"/> Denmark | <input type="checkbox"/> Estonia |
| <input type="checkbox"/> Finland | <input type="checkbox"/> France |
| <input type="checkbox"/> Germany | <input type="checkbox"/> Greece |
| <input type="checkbox"/> Hungary | <input type="checkbox"/> Ireland |
| <input type="checkbox"/> Italy | <input type="checkbox"/> Latvia |
| <input type="checkbox"/> Lithuania | <input type="checkbox"/> Luxembourg |
| <input type="checkbox"/> Malta | <input type="checkbox"/> Netherlands |
| <input type="checkbox"/> Poland | <input type="checkbox"/> Portugal |
| <input type="checkbox"/> Romania | <input type="checkbox"/> Slovakia |
| <input type="checkbox"/> Slovenia | <input type="checkbox"/> Spain |
| <input type="checkbox"/> Sweden | <input type="checkbox"/> Iceland |
| <input type="checkbox"/> Liechtenstein | <input type="checkbox"/> Norway |
| <input type="checkbox"/> Switzerland | <input type="checkbox"/> Other, please specify |

I do not know

29. In your practice/experience of identifying offenders for road traffic offences, to what extent do you rely on the bilateral and/or multilateral agreement(s) and to what extent do you rely EU law only?

30. Are their additional benefits to these agreements (on identification) for you in practice, compared to relying on EU law only?
 You may structure your answer by type of agreement or country.

31. Does your country have any plans or ongoing discussions with Member States to increase the number of bilateral/multilateral agreements, and if so, with which Member States?

32. If any, which of the following possible reasons (likely) motivate your country to sign the above bilateral/multilateral agreements

- Coverage of a wider range of road traffic offences
- Reduced technical and legal obstacles in cross-border information exchange
- More efficient cross-border enforcement of sanctions
- I can think of no possible reason
- Other, please specify

33. In your current practice, how long does the investigation of an offence take approximately?

Investigation under the CBE Directive covers the first part of the “investigation” procedure from the detection of the road traffic offence up to the sending of a penalty notice to the presumed offender (where the road traffic offence has been committed by a foreign driver/vehicle).

| | Time (range in hours/mins) | N/A or I do not know |
|---|----------------------------|-----------------------|
| on average per case | <input type="text"/> | <input type="radio"/> |
| when only relying on bilateral/multilateral agreements (where applicable) | <input type="text"/> | <input type="radio"/> |
| when relying on EU law only CBE Directive, MLA Convention, European Investigation Order | <input type="text"/> | <input type="radio"/> |

34. Do the bilateral/multilateral agreements cover more and/or a different set of offences than the CBE directive? If yes, please explain

35. Are you more likely to follow-up offences (investigation), which are committed by foreign-registered vehicles, if you are aware that a bilateral/multilateral agreement exists with the country of the vehicle registration?

- Yes, my country only follows-up road traffic offences committed by foreign vehicles if an agreement exists with that country
- Yes, my country follows-up road traffic offences committed by foreign vehicles to a larger extent if an agreement exists with that country
- No, it does not matter if an agreement exists with the country
- Other, please specify

- I do not know

Costs of investigation and enforcement

We would like to know more about the costs and time incurred to investigate road traffic offenses committed by foreign registered vehicles. This is vital for the analysis on the extent to which the administrative burden would be lower after revising the CBE Directive. It provides us information on the potential reduction in administrative costs following the revision of the CBE Directive.

In the following questions we will ask about time/administrative costs incurred for different procedures.

I. Costs of Investigation (CBE Directive)

“Investigation” under the CBE Directive covers the first part of the “investigation” procedure from the detection of the road traffic offence up to the sending of a penalty notice to the presumed offender.

36. Residents: How long does the (typical) investigation process take from the detection of a road traffic offence to sending a resident offender a penalty notice?

- Up to 1 month
- Between 6 and 8 weeks
- Between 10 and 12 weeks
- Longer than 1 year
- Between 4 and 6 weeks
- Between 8 and 10 weeks
- Between 3 months up to 1 year
- Other, please specify

I do not know

37. Non-residents: How long does the (typical) investigation process take from the detection of a road traffic offence to sending a non-resident offender a penalty notice?

- Up to 1 month
- Between 6 and 8 weeks
- Between 10 and 12 weeks
- Longer than 1 year
- Between 4 and 6 weeks
- Between 8 and 10 weeks
- Between 3 months up to 1 year
- Other, please specify

I do not know

38. We would like to know more about time typically spent per case by your authority on investigation of road traffic offences covered by the CBE Directive (from the detection of a road traffic offence to providing presumed offender with a penalty notice). Please complete the table below

| | Number of working hours spent per case | N/A or I do not know |
|---|--|-----------------------|
| Offences committed by foreign vehicles on your territory | <input type="text"/> | <input type="radio"/> |
| Offences committed by domestic vehicles on your territory | <input type="text"/> | <input type="radio"/> |

39. Please explain what the causes are for the difference in terms of time between investigation of offences committed by foreign vehicles and domestic vehicles (as mentioned in the previous question).

40. What is the approximate wage level of the officials dealing with the investigation under the CBE Directive per year?

- Wages lower than your country's average public sector wage level
- Wages higher than your country's average public sector wage level
- Wages more or less equal to your country's average public sector wage level
- I do not know, but approximately (in EURO per year)

41. Would you like to include upload a document with an overview of wages in the public sector for Full Time Equivalent (FTEs) of your country?

Other costs occurred

In our study, we will have to estimate the costs you incur when investigating road traffic offences and enforcing sanctions for these offences committed by non-resident drivers/foreign vehicles. We would therefore like to ask you about any other costs you incur, apart from time spent.

42. What other costs arise when investigating one road traffic offence and enforcing a sanction (financial penalty) for this offence committed by a foreign registered vehicle (e.g. translation costs, costs charged by Member State of the presumed offender for assistance in investigation, postal charges etc.) ? Please provide the additional cost, the reason for the additional cost and an indicative amount spent per typical case.

43. If you are the recipient of incoming requests from other countries for the identification of an offender: How many resources are (time and finance) spent on addressing one incoming request from another country for information on a traffic offence committed abroad by a vehicle registered in your country?

(Estimated time spent on one typical case, feel free to use a range)

Information on vehicle register databases (VRDs)

We would like to know more on the content in your vehicle register database(s) (VRDs). We use this information to establish what the current situation is and to assess where there might be problems in the investigation of road traffic offences caused by non-resident/foreign vehicles. Moreover, we would like to know how the data is fed into EUCARIS and how EUCARIS is used.

EUCARIS is an exchange system and executive body, connecting vehicle and driving licence registration authorities in Europe. Its use prevents high financial investments for Member States, as none have to develop an individual system

44. In your country, how is the vehicle registration database organised?

- Centralised, e.g. single database Decentralised and local/regional and regional registers, various national registers
 Decentralised and regional registers Various national registers
 Other, please specify

- I do not know

45. How often does the database get updated with import/export information of vehicles, as well as the vehicle owner changes?

- Every day (automatic) Every week
 Every month Other, please specify

- I do not know

46. How is the necessary data from your vehicle registration database fed into EUCARIS?

- Automated process Semi-automated process
 Manual process Other, please specify

- I do not know

47. Do you experience technical problems at national level or when using EUCARIS?

- Consistent errors, stating that the system is down
- Interoperability problems at national
- No
- IT problems with EUCARIS
- Interoperability problems when using EUCARIS
- Other, please specify

- I do not know

48. If any, could you please elaborate on the technological problems which you experience? (e.g. consistent system down errors IT problems with EUCARIS or

49. Are all the data listed as mandatory in Annex I of the CBE Directive available in your national vehicle registers? Please check the appropriate box in the table below

| | Yes | No | I do not know |
|---|-----------------------|-----------------------|-----------------------|
| Chassis number/VIN | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Member State of registration | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Registration number | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Make, e.g. Ford, Opel, Renault, ... | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Commercial type of the vehicle, e.g. Focus, Astra, Megane | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| EU category Code, e.g. mopeds, motorbikes, cars | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Registration holder's (company) name | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| First name | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Address | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Date of Birth | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Legal Entity | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Owner's company name | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

50. Is any of the following (non-mandatory) data available in your national vehicle registers? Please tick the appropriate box in the table below.

| | Yes | No | I do not know |
|-----------------------|-----------------------|-----------------------|-----------------------|
| Gender | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Place of Birth | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| ID number | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other, please specify | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

51. In the context of the CBE Directive do you use any other information systems that are overlapping or complementary to EUCARIS in the processes listed below? Please tick all that apply.

- | | |
|--|---|
| <input type="checkbox"/> Licence plate information request | <input type="checkbox"/> Identification of the vehicle owner/holder |
| <input type="checkbox"/> Identification of the driver | <input type="checkbox"/> Contact information of the offender |
| <input type="checkbox"/> Following-up with the offender | <input type="checkbox"/> Other, please specify |

I do not know

52. Do you use EUCARIS to identify the offender who committed offences not covered by the CBE Directive (potentially covered by other EU law)??

- Yes No
 I do not know

53. Could you indicate the type of offence (road-safety related traffic offence, other road traffic offence, other offence in general) for which you use EUCARIS?

54. Please share your experience on the use of EUCARIS

Your responses will allow us to refine our present view on the problems with regards to exchange of information on road traffic offences.

Sending out a penalty notice

We would like to ask some questions on sending out a penalty notice to the identified foreign offender. **These questions are for police authorities and interior ministries. If you are a transport authority/ministry, please move ahead to question 59.**

55. Does your country apply a different timeframe (e.g. deadline) for sending penalty notices to domestic residents for road traffic offences in comparison to non-residents?

- Yes, a shorter deadline
- Yes, a longer deadline
- No, the deadlines are equal for both resident drivers and non-resident drivers
- No, the deadlines are equal for both offences committed by a vehicle registered abroad and committed by a vehicle registered in national register
- Yes but I do not know if the deadline is shorter or longer
- No but I do not know if the deadline is shorter or longer

Other, please specify

I do not know

56. What timeframe does your national law foresees for sending penalty notices to presumed offenders who are non-residents?

57. Could you please provide reference to the relevant law(s) on penalty notice timeframes (including title of the law(s); article; paragraph)?

58. By which mean do you serve the penalty notice to the presumed foreign offender?

- By registered mail
- By regular mail
- I do not know

Member States' reporting obligations to the Commission

For the final 3 questions, we would like to ask you some questions on Member States' reporting obligations. The CBE Directive includes certain reporting obligations in its Article 6: pursuant to the provision, Member States are required to send a comprehensive report to the Commission every two years, indicating (i) the number of automated searches conducted by the country where a road traffic offence have been committed addressed to the country where the offending vehicle is registered, (ii) the type of offences for which requests were made, (iii) the number of failed requests, (iv) a description of the situation at national level in relation to the follow-up given to the road-safety-related traffic offences, based on the proportion of such offences which have been followed up by information letters. We are interested in knowing if it is difficult to obtain the required information and if there is an opportunity to expand it.

59. Article 6 of the CBF Directive sets out the Member States' reporting obligations. Has your country encountered any difficulties in fulfilling these obligation in the last 3 years?

- Yes, namely legal difficulties
- Yes, namely technical difficulties
- Yes, please specify
- Yes, namely administrative difficulties
- No

- I do not know

60. If you answered *No* or *I do not know* could you please clarify your answer, explaining the reasons for the difficulties encountered?

61. How do you rate the necessary efforts needed to collect the relevant information to fulfil the reporting obligations?

- Not a problem. The necessary efforts are kept to a minimum.
- Somewhat a problem. The necessary efforts are fairly high, but acceptable.
- Problematic. The necessary efforts are causing an unacceptable administrative burden.
- Very problematic. It is impossible to fulfil the reporting obligations.
- I do not know

You have reached the end of the questionnaire. We would like to thank you for your time and patience in filling in this survey, especially considering the information requirement as well as the length. Your answers will be crucial for the revision of the CBE Directive.

62. If you would like to leave any final notes and/or comments, feel free to use the text box below.

Collecting evidence for European policy making: the legal framework on road traffic offences committed by foreign vehicles

Thank you for taking the time to fill in this questionnaire that collects information for the **Impact Assessment support study for the revision of the Cross-Border Enforcement Directive (Directive (EU) 2015/413) that facilitates cross-border exchange of information on road-safety-related traffic offences**. This study is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) and runs until March 2021.

The Cross-Border Enforcement Directive (CBE Directive) is aimed at improving road safety through enhancing cross-border enforcement of road traffic rules and to make sure residents and non-residents are treated equally. Better enforcement is expected to improve the compliance of non-residents with road traffic rules through the deterrent effect of sanctions. This then reduces the risk of road fatalities, injuries and material damage, and so benefits European society.

For more information on the Directive, please click on the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L0413>

The study research team has already collected some data. This survey is to fill remaining gaps in our knowledge and evidence base. We ask questions about **legislation, especially on liability regimes, sanctions, and enforcement, data on road traffic offences, related procedures**, including the follow-up of the investigation of road traffic offences and enforcement of sanctions for these offences as well as for your views on **possible measures and their impacts**. You will also have the opportunity to upload supporting evidence or other documents.

No confidential information is asked for in this survey. Any private information collected by us, i.e. the European Commission's appointed research contractor (Ecorys, and its partners Grimaldi and Wavestone), will not be shared with anyone outside the research team. For more information on our data privacy policy, please click on the following link: [Privacy notice](#)

Your information would help us to **understand the problems encountered in practice more clearly**. It would also help us to **assess the (good and problematic) effects of a number of possible policy approaches** to address those problems.

Introduction questions

We would like to start with some introduction questions. By asking these background questions about the authority/ministry you work for and on where you are located, we will be able to better interpret your responses.

1. Which country are you located in?

- | | |
|-------------------------------------|---|
| <input type="radio"/> Austria | <input type="radio"/> Belgium |
| <input type="radio"/> Bulgaria | <input type="radio"/> Croatia |
| <input type="radio"/> Cyprus | <input type="radio"/> Czechia |
| <input type="radio"/> Denmark | <input type="radio"/> Estonia |
| <input type="radio"/> Finland | <input type="radio"/> France |
| <input type="radio"/> Germany | <input type="radio"/> Greece |
| <input type="radio"/> Hungary | <input type="radio"/> Iceland |
| <input type="radio"/> Ireland | <input type="radio"/> Italy |
| <input type="radio"/> Latvia | <input type="radio"/> Lithuania |
| <input type="radio"/> Luxembourg | <input type="radio"/> Malta |
| <input type="radio"/> Netherlands | <input type="radio"/> Poland |
| <input type="radio"/> Portugal | <input type="radio"/> Romania |
| <input type="radio"/> Slovakia | <input type="radio"/> Slovenia |
| <input type="radio"/> Spain | <input type="radio"/> Sweden |
| <input type="radio"/> Liechtenstein | <input type="radio"/> Norway |
| <input type="radio"/> Switzerland | <input type="radio"/> Other, please specify |
-

2. For which authority do you work?

3. For which type of authority/ministry do you work?

- Justice ministry Justice authority

4. Do you have any statistics you could share on cases related to road traffic offences committed by foreign vehicles?

Yes

No

5. If you have any statistics, please use the links below to share your statistics/documents on road traffic offences committed by foreign vehicles?

Upload file...

Upload file...

Legal framework for road traffic offences

We would like to identify the type of legal framework used in your country for road traffic offences. This will help us establish a baseline to compare the different frameworks for the Member States.

6. We would like to know more about the qualification of road traffic offences (criminal or administrative) in your country and about the minimum pecuniary sanctions (financial penalties) for these offences. Please complete the table below to the best of your knowledge.

| | Qualified as | | | Minimum amount of pecuniary sanction in Euros | I do not know |
|---|-----------------------|-----------------------|---|---|-----------------------|
| | criminal | administrative | other (i.e. criminal or administrative depending on the seriousness or circumstances) | | |
| Speeding | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| Drink-driving | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| Non-use of seat belt | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| Failing to stop at red traffic light | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| Use of forbidden lane | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| Driving under the influence of drugs | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| Failing to wear a safety helmet | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| Illegally using a mobile phone or any other communication devices while driving | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |

7. Please specify, in what circumstances the same offence is classified as administrative as well as criminal

Legal liability regime and mutual assistance in investigation

To establish the magnitude of the problem, we would like to know more about the legal liability regime used in your country.

8. Could you please indicate the legal liability regime applied to road traffic offences?

| | "Vehicle owner/holder" "A penalty is issued to the owner/holder of the vehicle, based on information included in the VRD , unless the owner/holder provides information on the driver/offender" liability | Vehicle owner/holder "Strict" "The payment of the fine may be requested indistinctly to the owner/holder or to the driver/offender, even when the owner/holder identifies the driver/offender" liability | "Driver" "A penalty is issued to the owner/holder of the vehicle with a request to identify the driver. If the owner/holder does not identify the driver, he is liable to pay the fine" liability | "Strict" "A penalty is issued only to the driver of the vehicle" "Driver Liability | Other (please define on the right) | I do not know | Could you define the legal liability regime for if you selected 'other'? |
|---|---|--|---|--|------------------------------------|-----------------------|--|
| Speed driving | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| Drink-driving | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| Non-use of seat belt | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| Failing to stop at red traffic light | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| Use of forbidden lane | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| Driving under the influence of drugs | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| Failing to wear a safety helmet | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |
| Illegally using a mobile phone or any other communication devices while driving | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | |

9. During the investigation of a road traffic offence when the driver needs to be identified, do the national judicial and other competent authorities use the mechanisms laid down in the following frameworks:

1) Mutual assistance and recognition procedures in investigation of road traffic offences as provided under national legislation, implementing the Convention on Mutual Assistance in Criminal Matters (MLA Convention)

2) Directive 2014/41/EU regarding the European Investigation Order in Criminal Matters (EIO)?

- | | |
|--|--|
| <input type="radio"/> We only apply the MLA Convention | <input type="radio"/> We only apply Directive 2014/41/EU |
| <input type="radio"/> We use both these instruments | <input type="radio"/> We use one or both of the instruments, as well as instruments not mentioned here |
| <input type="radio"/> No, we use other legal instruments | <input type="radio"/> I do not know |
| <input type="radio"/> Other, please specify | |

10. If any legal instrument for cooperation in investigation of road traffic offences MLA Convention and Directive 2014/41/EU, are used in your country, what are the main difficulties, if any, encountered in applying these procedures? Specify also what type of assistance (e.g. assistance for sending and service of procedural documents) in relation to road traffic offences your authorities request under such instruments, and the qualification of road traffic offences (criminal or administrative) for which these instruments are used.

11. Do you consider the current legal framework for mutual assistance in investigations as adequate for road traffic offences? If not, explain why.

12. If you use other legal instruments than the European Investigation Order (EIO) and the MLA Convention, under what legal provisions do your national judicial and other competent authorities cooperate with authorities in other Member States in relation to road traffic offences?

13. Does your country have a system of certified email*?

*a special type of email meant to provide a legal equivalent to the traditional registered mail: by paying a small fee users are able to legally prove a given email has been sent and received.

- No Yes

14. Could you please specify the system of certified email your country has?

15. If your country makes recourse to cooperation in investigation on road traffic offences with other countries, under the European Inforcement Order (EIO), the MLA Convention or any other legal instrument, is the exchange of information electronic/digitised?

- No Yes

16. If so, could you please specify how this exchange of information is electronic/digitised?

17. Do your national courts accept all kind of evidence or do they require specific (technical) standards/requirements for evidence (e.g. type of camera equipment, type of photo, ...) produced by automatic and/or manual checking equipment?

- Courts accept all kind of evidence Specific (technical) standards/requirements are demanded
 I do not know

18. Could you please explain or provide examples of the demanded specific (technical) standards/requirements.

Recognition and execution of sanctions for road traffic offences

The instrument at EU level that allows recognising and enforcing financial penalties issued by a foreign authority is Framework Decision 2005/214. When applying its mechanism for the mutual recognition of financial penalties for road traffic offences procedural rules – and related procedural rights of this instrument, are to be taken into account.

19. Please list the authorities of issuing decisions for cross-border enforcement of financial penalties under the Framework Decision 2005/214 for financial penalties

For more information on the COUNCIL FRAMEWORK DECISION 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, please click on the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32005F0214>

20. Is there a central authority in your country? Please, describe the role of that body

21. Does the FD authority have any contact with the National Contact Point identified for the purpose of road traffic enforcement purposes under the CBE Directive" position?

- Yes No
 I do not know Other, please specify

For more information on the Directive, please click on the following link: <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L0413>

22. Is the communication between the FD authority/ies and national judicial and administrative authorities digitised?

- Yes No

23. Is the FD authority responsible for following up with the formal requirements of the transmission of penalty decisions to the foreign authorities? Is the transmission of the penalty decision digitised?

- The FD authority looks after the formal requirements and it is digitalised The FD authority looks after the formal requirements and it is not digitalised
 The FD authority does not look after the formal requirements and it is digitalised The FD authority does not look after the formal requirements and it is not digitalised
 I do not know Other, please specify

24. How does the FD authority assess if the offender has property or income? Is this relevant for the enforcement of road traffic offences?

25. Please score the reasons for rejection by the FD authority/ies of mutual recognition of penalty decisions transmitted by another Member State (i.e. reasons why a foreign decision on the imposition of a road traffic penalty is not internally recognised) from 1 – 5, with 1 having the lowest frequency and 5 having the highest frequency, based on their occurrence as reasons for non-mutual recognition

| | 1 (lowest frequency) | 2 | 3 | 4 | 5 (highest frequency) | I do not know |
|--|----------------------------|-----------------------|-----------------------|-----------------------|-----------------------------|-----------------------|
| The document(s) received by the issuing country, related to the foreign penalty, is/are not complete or not correct and, as a consequence, cannot be executed in your country | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| A final decision against the sentenced person in respect of the same act has already been delivered in your country or in another Member State (ne bis in idem) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The decision relates to an act which does not constitute a criminal offence under the law of your country | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The execution of the decision is already statute-barred (i.e. it is no longer legally enforceable as a set period of time has lapsed) according to the law of your country | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| There is immunity under the law of the your country (i.e. situation wherein an individual or entity cannot be held liable for a violation of the law), which makes it impossible to execute the decision | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The decision has been imposed on a natural person who, under the law of your country, due to his or her age could not yet have been held criminally liable for the act in respect of which the decision was passed | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Alleged violation of fundamental rights in the transmission of documentation on the financial penalty, e.g. the potential offender was not adequately informed of his/her rights, the potential offender could not appear personally, or the potential offender could not understand the information about the charges because it was in a foreign language only | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| The financial penalty imposed does not reach an amount of Euro 70 | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| In the issuing country, there is no possibility to challenge the decision adopted by a judicial or administrative authority before an independent body, where a series of specific legal guarantees apply. | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Other, please specify <div style="background-color: #e0e0e0; height: 20px; width: 100%;"></div> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

26. Please provide statistics, if available, for the last 12 months, on the number of incoming/outgoing penalty decisions for cross-border road traffic offences transmitted/received by the FD authority

| | Number of decisions | N/A / I do not know |
|----------------------------|------------------------|-----------------------|
| Incoming penalty decisions | <input type="text"/> | <input type="radio"/> |
| Outgoing penalty decisions | <input type="text"/> | <input type="radio"/> |

27. Do the fines paid obtained from the enforcement of penalty decisions always accrue the executing FD authority or are there any bilateral/multilateral arrangements between the issuing and the issuing state?

28. What is your experience in applying the procedure based on Framework Decision 2005/214? Please describe briefly, incl. your role in the process, and outline the positive and negative aspects of your experience.

29. Does your country make use of

collection agencies to recover the fines in cross-border cases?

- Yes No
 I do not know

30. If yes, which legal framework of your country sets out the methods that can be used by debt collection agencies to conduct their work? (please provide legal the reference)

31. What type of agency is used for collecting the fines/payments?

32. Could you please indicate an estimate of what is the share of offences committed by foreign vehicles/non-residents which are followed up through the recourse to debt collection agencies?

- < 5% of cases in which payments are not made voluntarily
 Between 5% and 10% of cases in which payments are not made voluntarily
 Between 11% and 20% of cases in which payments are not made voluntarily
 Between 21% and 50% of cases in which payments are not made voluntarily
 More than 50% of cases in which payments are not made voluntarily
 In all cases in which payments are not made voluntarily.
 I do not know

33. Which language is used when providing information relating to the debt recovery proceedings involving non-residents? (multiple answers are possible)

- The official language(s) of your country
 The official language(s) of the country in which the offender resides
 A different language (e.g. English)
 I do not know

Bilateral and multilateral agreements with other European Member States

We would now like to ask you some questions on bilateral or multilateral agreements between Member States. This way, we can gather information on other legislation used to follow-up on road traffic offences by non-resident/foreign offenders. We use this information to evaluate and compare the effectiveness of the Directive in comparison to other bilateral and multilateral agreements on road traffic offences.

34. Does your country have any bilateral and/or multilateral agreement(s) with other EU Member States that facilitate the enforcement of sanctions for road traffic offences committed by foreign registered vehicles:

- Yes No
 I do not know

35. If yes with which Member State(s) has your country entered into this kind of agreement(s) on enforcement of sanctions for road traffic offences?

- | | |
|------------------------------------|--|
| <input type="checkbox"/> Austria | <input type="checkbox"/> Belgium |
| <input type="checkbox"/> Bulgaria | <input type="checkbox"/> Croatia |
| <input type="checkbox"/> Cyprus | <input type="checkbox"/> Czechia |
| <input type="checkbox"/> Denmark | <input type="checkbox"/> Estonia |
| <input type="checkbox"/> Finland | <input type="checkbox"/> France |
| <input type="checkbox"/> Germany | <input type="checkbox"/> Greece |
| <input type="checkbox"/> Hungary | <input type="checkbox"/> Ireland |
| <input type="checkbox"/> Italy | <input type="checkbox"/> Latvia |
| <input type="checkbox"/> Lithuania | <input type="checkbox"/> Luxembourg |
| <input type="checkbox"/> Malta | <input type="checkbox"/> Netherlands |
| <input type="checkbox"/> Poland | <input type="checkbox"/> Portugal |
| <input type="checkbox"/> Romania | <input type="checkbox"/> Slovakia |
| <input type="checkbox"/> Slovenia | <input type="checkbox"/> Spain |
| <input type="checkbox"/> Sweden | <input type="checkbox"/> Liechtenstein |
| <input type="checkbox"/> Norway | <input type="checkbox"/> Switzerland |
| <input type="checkbox"/> Iceland | <input type="checkbox"/> Other, please specify |

I do not know

36. Do the bilateral/multilateral agreement(s) cover more and/or a different set of offences than the CBE directive?

- No Yes, namely

37. In your practice of enforcing sanctions for road traffic offenses, to what extent do you rely on the bilateral and/or multilateral agreement(s) and to what extent do you rely EU law only?

38. Are there additional benefits to these agreements for you in practice, compared to relying on EU law only? You may structure your answer by type of agreement or country.

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39. Does your country have any plans or ongoing discussions with Member States to increase the number of bilateral/multilateral agreements, and if so, with which Member States?

40. If any, which of the following possible reasons (likely) motivate your country to sign the above bilateral/multilateral agreements

- Coverage of a wider range of road traffic offences
- More efficient cross-border enforcement of sanctions
- Reduced technical and legal obstacles in cross-border information exchange
- Other, please clarify

41. In your current practice, how long does the investigation of an offence take approximately (where the road traffic offence has been committed by a foreign driver/vehicle)

| | Time (range in hours/mins ; not applicable) | I do not know |
|--|---|-----------------------|
| a) on average per case | <input type="text"/> | <input type="radio"/> |
| b) when only relying on bilateral/multilateral agreements (where applicable) | <input type="text"/> | <input type="radio"/> |
| c) when relying on EU law only CBE Directive, MLA Convention, EIO | <input type="text"/> | <input type="radio"/> |

42. In your current practice, how long does the enforcement of a sanction take approximately (where the road traffic offence has been committed by a foreign driver/vehicle)?

| | Time (range in hours/mins ; not applicable) | I do not know |
|--|---|-----------------------|
| a) on average per case | <input type="text"/> | <input type="radio"/> |
| b) when only relying on bilateral/multilateral agreements (where applicable) | <input type="text"/> | <input type="radio"/> |
| c) when relying on EU law only Framework Decision 2005/214 | <input type="text"/> | <input type="radio"/> |

43. Are you more likely to follow-up offences (enforcement), which are committed by foreign-registered vehicles, if you are aware that a bilateral or multilateral agreement exists with the country of the vehicle registration?

- Yes, my country only follows-up road traffic offences committed by foreign vehicles if an agreement exists with that country
- No, it does not matter if an agreement exists with the country
- Other, namely
- Yes, my country follows-up road traffic offences committed by foreign vehicles to a larger extent if an agreement exists with that country
- I do not know

Costs of Investigation (follow-up to the CBE Directive e.g. mutual assistance under MLA, EIO)

A second part of the "investigation" procedure may cover the follow-up (to the CBE Directive to find out the address of non-resident offender (the MLA Convention may be used); the European Investigation Order (EIO) may serve as a tool to obtain additional evidence (e.g. photo of the offender).

44. In your current practice, how long does the follow-up investigation of a road traffic offence covered by the CBE Directive take approximately?

- Up to 1 month
- Between 6 and 8 weeks
- Between 10 and 12 weeks
- Longer than 1 year
- Other, please specify
- Between 4 and 6 weeks
- Between 8 and 10 weeks
- between 3 months up to 1 year
- I do not know

45. What is the time typically spent per case by your authority on the follow-up investigation of road traffic offences covered by the CBE Directive? (number of working hours spent per case)

46. What is the approximate wage level of the officials dealing with the follow-up investigation per year?

- Wages lower than your country's average public sector wage level
- Wages higher than your country's average public sector wage level
- Wages more or less equal to your country's average public sector wage level
- I do not know, but per year approximately (in euros)

47. Would you like to include a link or upload a document with an overview of wages in the public sector for Full Time Equivalents (FTEs) of your country?

- Yes
- No

48. Please enter your links below

1.
2.
3.
4.

49. Here you can upload one or more documents.

- Upload file...
- Upload file...
- Upload file...
- Upload file...
- Upload file...

Costs of Enforcement of sanctions

“Enforcement” (follow-up to the CBE Directive linked to the application of the Framework Decision 2005/214) covers the mutual cooperation between Member States to recognise each other’s final judicial or administrative decisions. Instead of these instruments a bilateral or multilateral agreement could be used.

50. In your current practice, how long does the procedure under framework Decision 2005/214 in the case of a road traffic offence covered by the CBE Directive take approximately?

- Up to 1 month
- Between 4 and 6 weeks
- Between 8 and 10 weeks
- Above 3 months up to 1 year
- Other, please specify
- Above 1 month, up to 3 months (see below for more detailed options)
- Between 6 and 8 weeks
- Between 10 and 12 weeks
- Above 1 year.

- I do not know

51. What is the time typically spent per case by your authority on the procedure under Framework Decision 2005/214 in the case of a road traffic offence covered by the CBE Directive? (number of working hours spent per case)

52. What is the approximate wage level of the officials dealing with the procedure under Framework Decision 2005/214 per year?

- Wages lower than your country’s average public sector wage level
- Wages higher than your country’s average public sector wage level
- Wages more or less equal to your country’s average public sector wage level
- I do not know, but per year approximately (in euros)

53. Would you like to include a link or upload a document with an overview of wages in the public sector for Full Time Equivalents (FTEs) of your country?

- Yes
- No

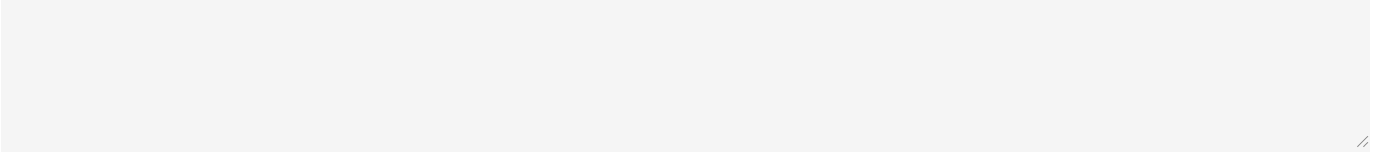
54. Here you can provide one or more links.

1.
2.
3.
4.
5.

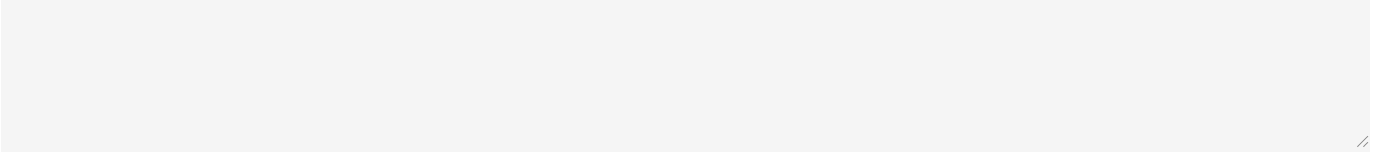
55. Here you can upload one or more documents.

-
-
-
-
-

56. What other costs arise when investigating one road traffic offence and enforcing a sanction (financial penalty) for this offence committed by a foreign registered vehicle? (e.g. translation costs, costs charged by Member State of the presumed offender for assistance in investigation, postal charges etc.) Please provide the additional cost (in euros), the reason for the additional cost and an indicative amount spent per typical case.



57. Please, feel free to express your opinion on any other questions or issues of your interest not mentioned under the above points in this questionnaire.



Your responses have been registered!

Questions for road safety organisations

Collecting evidence for European policy making: Questions on road traffic offences committed by foreign vehicles

Thank you for taking the time to fill in this questionnaire that collects information for the **Impact Assessment support study for the revision of the Cross-Border Enforcement Directive (Directive (EU) 2015/413) that facilitates cross-border exchange of information on road safety related traffic offences**. This study is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) and runs until March 2021.

The Cross-Border Enforcement Directive (CBE Directive) is aimed at improving road safety through enhancing cross-border enforcement of road traffic rules and to make sure residents and non-residents are treated equally. Better enforcement is expected to improve the compliance of non-residents with road traffic rules through the deterrent effect of sanctions. This then reduces the risk of road fatalities, injuries and material damage, and so benefits European society.

The study research team has already collected some data. This survey is to fill remaining gaps in our knowledge and evidence base. We ask questions **on data and statistics as well as the follow-up procedures on road traffic offences committed by foreign vehicles**. We hope to gather this information as to better understand the situation.

No confidential information is asked in this survey. Any private information collected by us, i.e. the European Commission's appointed research contractor (Ecorys, and its partners Grimaldi and Wavestone), will not be shared with anyone outside the research team. For more information on our data privacy policy, please click on the following link: [Privacy notice](#).

Your information would **help us to understand the problems encountered in practice more clearly**. It would also **help us to assess the (good and problematic) effects of a number of possible policy approaches to address those problems**.

Page 1 - Introduction questions

Introduction questions

We would like to start with some introduction questions. By asking these background questions on the organisation you work for and on where you are located, we will be able to better interpret your responses.

* 1. What is your country?

- | | |
|-----------------------------------|---|
| <input type="radio"/> Austria | <input type="radio"/> Belgium |
| <input type="radio"/> Bulgaria | <input type="radio"/> Croatia |
| <input type="radio"/> Cyprus | <input type="radio"/> Czechia |
| <input type="radio"/> Denmark | <input type="radio"/> Estonia |
| <input type="radio"/> Finland | <input type="radio"/> France |
| <input type="radio"/> Germany | <input type="radio"/> Greece |
| <input type="radio"/> Hungary | <input type="radio"/> Ireland |
| <input type="radio"/> Italy | <input type="radio"/> Latvia |
| <input type="radio"/> Lithuania | <input type="radio"/> Luxembourg |
| <input type="radio"/> Malta | <input type="radio"/> Netherlands |
| <input type="radio"/> Poland | <input type="radio"/> Portugal |
| <input type="radio"/> Romania | <input type="radio"/> Slovakia |
| <input type="radio"/> Slovenia | <input type="radio"/> Spain |
| <input type="radio"/> Sweden | <input type="radio"/> Iceland |
| <input type="radio"/> Norway | <input type="radio"/> Liechtenstein |
| <input type="radio"/> Switzerland | <input type="radio"/> Other, please specify |

2. What is the name of your organisation?

*** 3. What is your organisation?**

- Road safety association
- Other, please specify
- Research organisation

Page 2 - Road traffic offences in Europe

Road traffic offences in Europe

We are interested in information on road traffic offences in Europe and other data associated with this. Your answers to the following questions will assist us in establishing our baseline and problem definition, as well as to collect data and find any sources we may have missed in our study.

*** 4. According to your information, please provide an estimate of road traffic offences committed by foreign vehicles in Europe?**

- smaller than 1% of all committed offences
- 6-10% of all committed offences
- 16-25% of all committed offences
- Other, please specify
- 1-5% of all committed offences
- 11-15% of all committed offences
- more than 25 of all committed offences

- I do not know

*** 5. How do you expect the number of traffic offences by foreign vehicles to evolve in the future?**

| | - 50% | - 40% | - 30% | -20% | -10% | 0 | + 10% | + 20% | + 30% | + 40% | + 50% | I do not know |
|--------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Short term (2025) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Medium term (until 2030) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Long term (until 2050) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

*** 6. To your knowledge, is there any research or other type of assessment of the difference in likelihood to commit a road traffic offence, between resident and non-resident drivers?**

- Yes
- No
- I do not know

Page 3 - Follow on question 6

Show page if

6. To your knowledge, is there any research or other type of assessment of the difference in likelihood to commit a road traffic offence, between resident and non-resident drivers?...

is Yes

7. Could you please provide us with a reference to an article or other source of information?

* 8. You can also upload a document using the link below

Upload file...

Upload file...

Upload file...

Upload file...

Page 4

* 9. Are you aware of any source of evidence on the (average) share of foreign vehicles on national roads?

smaller than 1%

6-10%

16-25%

Other, please specify

I do not know

1-5%

11-15%

More than 25%

* 10. Please clarify whether your previous answer was based on research that you are aware of or expert guesses

Expert guess

Data source

I chose I do not know

Page 5

 Show page if

10. Please clarify whether your previous answer was based on research that you are aware of or expert guesses...
is Data source

11. Please upload the document you refer to in the previous question

Upload file...

12. Please share the link

Page 6

* 13. What are the main types of road traffic offences committed by ALL drivers on your roads? (rank with 1 being the most important to 8 not so important)

Speeding

Drink-driving

1 ▲
2
3
4
5
6
7
8
9 ▼

1 ▲
2
3
4
5
6
7
8
9 ▼

Non-use of seat belt

1 ▲
2
3
4
5
6
7
8
9 ▼

Failing to stop at red traffic light

1 ▲
2
3
4
5
6
7
8
9 ▼

Use of forbidden lane

1 ▲
2
3
4
5
6
7
8
9 ▼

Driving under the influence of drugs

1 ▲
2
3
4
5
6
7
8
9 ▼

Failing to wear a safety helmet

1 ▲
2
3
4
5
6
7
8
9 ▼

Illegally using a mobile phone or any other communication devices while driving

1 ▲
2
3
4
5
6
7
8
9 ▼

I do not know, because ...

14. Is there a crucial type of road traffic offence missing from the list above? If yes, please elaborate and state which ranking you would apply.

* 15. What do you consider to be the main type of road traffic offence committed by drivers of foreign vehicles? (rank with 1 being the most important to 8 not so important)

1 ▲

2

3

4

5

6

7

8

9 ▼

Speeding

1 ▲

2

3

4

5

6

7

8

9 ▼

Drink-driving

1 ▲

2

3

4

5

6

7

8

9 ▼

Non-use of seat belt

1 ▲

2

3

4

5

6

7

8

9 ▼

Failing to stop at red traffic light

1 ▲

2

3

4

5

6

7

8

9 ▼

Use of forbidden lane

1 ▲

2

3

4

5

6

7

8

9 ▼

Driving under the influence of drugs

Failing to wear a safety helmet

1
2
3
4
5
6
7
8
9

1
2
3
4
5
6
7
8
9

Illegally using a mobile phone or any other communication devices while driving

1
2
3
4
5
6
7
8
9

I do not know, because

Additional options (question 15)

16. Is there a crucial type of road traffic offence missing from the list above? If yes, please elaborate and state which ranking you would apply.

Page 7

Offence deterrents

We would like to ask you a question on what is most effective as a measure to enforce road safety rules.

* 17. What do you consider more effective as deterrent to committing an offence:

- Stopping of the driver by police (e.g. sanction on the spot) automatic and/or manual detections followed by the procedures under the CBE Directive (e.g. sanction afterwards)

Other, please specify

I do not know

18. Could you please elaborate your previous answer? Please feel free to refer to any available source of information, including literature that you are aware of.

Page 8

Detection of road traffic offences and resources

One of the problem identified is that the detection equipment might not be sufficient. We would like to establish the magnitude of this problem and are interested in your expert opinion.

* 19. Do you consider that the detection equipment

within the last year at the disposal of police authorities in your country or at EU level is adequate in terms of

| | Insufficient | Sufficient | I do not know |
|--|-----------------------|-----------------------|-----------------------|
| Number of automatic and/or manual checking equipment? | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Ability to detect offences with regards to the current quality of automatic and/or manual checking equipment | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Ability to follow-up and enforce sanctions for the committed offences | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

20. Could you please elaborate on your previous answer (e.g. why, and/or for which region/country)?

Your responses have been registered!

Questions for road users

Collecting evidence for European policy making: Questions on road traffic offences committed by foreign vehicles

Thank you for taking the time to fill in this questionnaire that collects information for the **Impact Assessment support study for the revision of the Cross-Border Enforcement Directive (Directive (EU) 2015/413) that facilitates cross-border exchange of information on road safety related traffic offences**. This study is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) and runs until March 2021.

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The study research team has already collected some data. This survey is to fill remaining gaps in our knowledge and evidence base. We ask questions about your experience on the road as a road user, your experience with road traffic offences as well as your experience with getting road traffic related fines from offences caused in a country you might not be a resident.

No confidential information is asked for in this survey. Any private information collected by us, i.e. the European Commission's appointed research contractor (Ecorys, and its partners Grimaldi and Wavestone), will not be shared with anyone outside the research team. For more information on our data privacy policy, please click on the following link: [Privacy notice](#)

Your information would **help us to understand the problems encountered in practice more clearly**. It would also **help us to assess the (good and problematic) effects of a number of possible policy approaches to address those problems**.

Page 1 - Introduction questions

Introduction questions

We would like to start with some introduction questions. By asking these background questions on the organisation you work for and on where you are located, we will be able to better interpret your responses.

* 1. What is your country?

- | | |
|-----------------------------------|---|
| <input type="radio"/> Austria | <input type="radio"/> Belgium |
| <input type="radio"/> Bulgaria | <input type="radio"/> Croatia |
| <input type="radio"/> Cyprus | <input type="radio"/> Czechia |
| <input type="radio"/> Denmark | <input type="radio"/> Estonia |
| <input type="radio"/> Finland | <input type="radio"/> France |
| <input type="radio"/> Germany | <input type="radio"/> Greece |
| <input type="radio"/> Hungary | <input type="radio"/> Ireland |
| <input type="radio"/> Italy | <input type="radio"/> Latvia |
| <input type="radio"/> Lithuania | <input type="radio"/> Luxembourg |
| <input type="radio"/> Malta | <input type="radio"/> Netherlands |
| <input type="radio"/> Poland | <input type="radio"/> Portugal |
| <input type="radio"/> Romania | <input type="radio"/> Slovakia |
| <input type="radio"/> Slovenia | <input type="radio"/> Spain |
| <input type="radio"/> Sweden | <input type="radio"/> Iceland |
| <input type="radio"/> Norway | <input type="radio"/> Liechtenstein |
| <input type="radio"/> Switzerland | <input type="radio"/> Other, please specify |

2. What is the name of your organisation?

Page 2 - Road traffic offences in Europe

Road traffic offences in Europe

We are interested in information on road traffic offences in Europe and other data associated with this. Your answers to the following questions will assist us in establishing our baseline and problem definition, as well as to collect data and find any sources we may have missed in our study.

*** 3. According to your information, please provide an estimate of road traffic offences committed by foreign vehicles in Europe?**

- smaller than 1% of all committed offences
- 6-10% of all committed offences
- 16-25% of all committed offences
- Other, please specify
- I do not know
- 1-5% of all committed offences
- 11-15% of all committed offences
- more than 25 of all committed offences

*** 4. How do you expect the number of traffic offences by foreign vehicles to evolve in the future?**

| | - 50% | - 40% | - 30% | -20% | -10% | 0 | + 10% | + 20% | + 30% | + 40% | + 50% | I do not know |
|--------------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Short term (2025) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Medium term (until 2030) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| Long term (until 2050) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

*** 5. To your knowledge, is there any research or other type of assessment on the difference in likelihood to commit a road traffic offence, between resident and non-resident drivers?**

- Yes
- No
- I do not know

Page 3 - Follow on question 6

 **Show page** if

5. To your knowledge, is there any research or other type of assessment on the difference in likelihood to commit a road traffic offence, between resident and non-resident drivers?...

is Yes

6. Could you please provide us with a reference to an article or other source of information?

Page 4

*** 7. To your knowledge, is there a difference in the likelihood to commit a road traffic offence, between resident and non-resident drivers?**

- Yes, drivers in domestic vehicles are more likely to commit a road traffic offence
- Yes, there is a difference, but it depends on the country of residence of the driver
- Yes, drivers in foreign vehicles are more likely to commit a road traffic offence
- Yes, there is a difference, particularly for some types of offences

- No, there is no indication that they are not equally likely to commit a traffic offence
- I do not know

8. Could you please elaborate your answer?

Page 5

* 9. In your view or expert opinion or based on research you are aware of, how likely is it that resident drivers are influenced in their driving behaviour, if they perceive that non-resident drivers are more likely to commit a road traffic offence?

- Very unlikely
- Unlikely
- Likely
- Very likely
- I do not know

10. Could you please explain your answer to the previous question?

Page 6

* 11. According to your information, is the offending driver/owner of the foreign vehicle in typical cases informed on allegedly committed road traffic offence
 1) in time,
 2) in an accurate information letter/penalty notice,
 3) and containing comprehensive evidence of the offence and any other relevant or related information?

- In most cases, the driver or vehicle owner is provided with accurate information and evidence on time
- In most cases, the driver or vehicle owner is provided with accurate information and evidence, but it is not on time
- In most cases, the driver or vehicle owner is not provided with accurate information and evidence, but it is on time
- In most cases, the driver or vehicle owner is not provided with accurate information and evidence, and it is not on time
- I do not know

12. Could you please explain your answer to the previous?

* 13. In cases where the information is not correct/adequate, which of the following reasons are the cause and how often do they appear?

| | No problem | Problem in some cases | Problem in numerous cases | Problem in significant number of cases | Problem in all cases | Feel free to give a short explanation | I do not know |
|--|-----------------------|-----------------------|---------------------------|--|-----------------------|---------------------------------------|-----------------------|
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

| | | | | | | | |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|-----------------------|
| Offending driver/vehicle owner is incorrectly identified (wrong person) | | | | | | | |
| Provided evidence (e.g. picture of the vehicle or the driver) is not sufficient or missing | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Information letter/penalty notice is not provided in the official language of the country of the vehicle registration/is not provided in line with Article 5(3) of the CBE Directive and no remedy is provided (according to national law of the country in which the offence was committed) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Information regarding investigation process and/or appeal procedure is not provided or unclear | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Penalty notice/information letter is sent or received late (beyond payment or appeal deadlines) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| The information letter/penalty notice does not contain information how to settle the financial penalty (e.g. missing IBAN of the account where the amount has to be deposited) or such information is unclear | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| The authenticity of the information letter/penalty notice is not clear or missing (e.g. the information letter/penalty notice is delivered by a private law company or debt collector under unclear conditions) | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| Other, please specify | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

Page 7

* 14. According to your knowledge, is the communication following the information letter/penalty notice, including the communication under appeal procedure provided in the official language of the country of the residence of presumed offender?

- Yes
 Depends on the country of origin of the notice
 No
 I do not know

* 15. Have you ever received an information letter/penalty notice on a road traffic offence through electronic communication?

- Yes, from the country I am registered in
 Yes, from a country I am not registered in
 Yes from the country I am registered in, as well as from a country I am not registered in
 No
 I do not know

Page 8

16. In the cases where an appeal is lodged (due to the reasons described above), what is the typical or average time road users need to spend until the situation is resolved? How long does it take the road user to fill in the appeal? (We are not asking for the full process, which we know can take months before all issues are resolved, but refer rather to administrative time required in minutes/hours)

17. Based on your information, in cases where a Driving Disqualification is imposed by enforcement country in which you are not resident, what are the main challenges that the driver faces and is this dependent on the type of driving disqualification?

18. According to your information, how likely are national authorities of the countries to issue the financial penalty to hire private debt collection companies (to follow-up on the payment of fines)? Please explain which countries use this practice

19. Have you faced cumbersome vehicle re-registration formalities and paperwork, such as double payment of registration tax? (Please elaborate on your answer and feel free to give further examples)

20. According to your information, what are the main problems with vehicles' cross-border re-registration?

Page 9

21. Thank you for taking the time in filling in this survey. Feel free to use the textbox below to leave us with any final comments

Your responses have been registered!

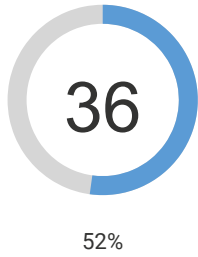
Thank you for taking the time to complete the survey, your input is valuable to us.

Questionnaire directed at MoT, Mol, TA and PA

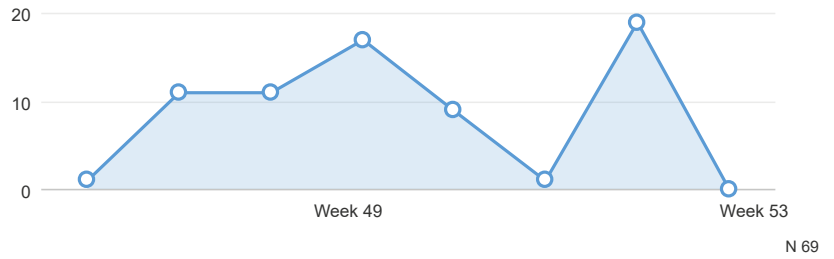
Respondents



Reached end



Response timeline



Which country are you located in?






| | Count | % of responses | % |
|-------------|-------|----------------|-----|
| Portugal | 8 | | 12% |
| Netherlands | 8 | | 12% |
| Sweden | 6 | | 9% |
| Austria | 5 | | 7% |
| Romania | 5 | | 7% |
| France | 5 | | 7% |
| Germany | 4 | | 6% |
| Czechia | 3 | | 4% |
| Spain | 3 | | 4% |
| Lithuania | 3 | | 4% |
| Finland | 3 | | 4% |
| Belgium | 2 | | 3% |
| Ireland | 2 | | 3% |
| Slovenia | 2 | | 3% |
| Greece | 2 | | 3% |
| Croatia | 2 | | 3% |
| Cyprus | 1 | | 1% |
| Poland | 1 | | 1% |
| Slovakia | 1 | | 1% |
| Luxembourg | 1 | | 1% |

N 69

Which country are you located in? - Other, please specify

No data found

For what type of authority/ministry do you work?

| | Count | % of responses | % |
|-----------------------|-------|---|-----|
| Transport authority | 7 |  | 10% |
| Transport ministry | 16 |  | 23% |
| Police authority | 19 |  | 28% |
| Interior ministry | 18 |  | 26% |
| Other, please specify | 9 |  | 13% |



N 69

For what type of authority/ministry do you work? - Other, please specify

| Other, please specify | Report |
|--|---|
| Justice Ministry |  |
| Justice Ministry |  |
| Justice Ministry |  |
| Justice Ministry |  |
| registration authority |  |
| registration authority |  |
| Registration authority |  |
| vehicle register authority |  |
| Transport Ministry + Citizen Protection Ministry (Police) + Traffic Police Authority (Attica Region) |  |

N 9

For which authority/ministry do you work and what kind of responsibility does the authority/ministry typically have?

| For which authority/ministry do you work and what kind of responsibility does the authority/ministry typically have? | Report |
|--|---|
| Road Traffic Automatic Supervision Centre (CANARD) - part of the General Inspectorate of Road Transport. The purpose of CANARD is to increase the level of road safety. By implementing an effective system of automatic traffic supervision, CANARD reveals violations of the regulations in the field of exceeding the established speed limits by drivers and failure to comply with traffic lights. Automatic road traffic supervision is carried out with the use of stationary devices, sectional speed measurement, red light monitoring, and mobile devices. My duties include ensuring the proper functioning of the IT system of the office used for automatic traffic supervision, cooperation with domestic and foreign entities in the field of information exchange, preparation of reports on the state of road safety and the office's work. |  |
| Institute of Registries and Notary This authority is responsible for the vehicle's registration. |  |

| For which authority/ministry do you work and what kind of responsibility does the authority/ministry typically have? | Report |
|---|-------------------|
| Institute of Registries and Notary. This Institute is responsible for the vehicle registration. | ↗ |
| Institute of Registries and Notary This Authority is responsible for the vehicle 's registration. | ↗ |
| Institute of Registries and Notary. This Institute is responsible for the vehicle registration. | ↗ |
| National Road Safety Authority (ANSR) - ANSR's mission is to support the Government's policy on road safety and plan and coordinate at national level its implementation, as well as the application of penalties for road law infringements | ↗ |
| . | ↗ |
| The Federal Public Service Mobility and Transport. Our task is to prepare, implement and support mobility and transport policy. We do this in consultation with our partners at regional, federal, national and international level. | ↗ |
| The Ministry of Transport is responsible authority for transport matters and for state policy in transport matters. | ↗ |
| Applying and enforcement of traffic rules. | ↗ |
| RDW responsible for registration of vehicles and providing information. National contact point | ↗ |
| RDW responsible for the registrion of vehicles and providing information. Also national contact point for Eucaris | ↗ |
| Dutch National Police - regionally responsible for national traffic enforcement | ↗ |
| RDW, responsible for the registration and provision of information of vehicle data | ↗ |
| RDW, responsible for registration of vehicle data and provision of information. Also national contact point for CBE in the Netherlands. | ↗ |
| Ministry of Infrastructure, NCP | ↗ |
| National Contact Point according to the CBE-Directive 2015/413 (EU) + EUCARIS (AUSTRIA) | ↗ |
| National Police / portfolio responsible for road and traffic policing | ↗ |
| Police Department under the Mol The Lithuanian Traffic Police Service responsibility - traffic safety, traffic control | ↗ |
| The survey is filled in by: Ministry of Infrastructure & Transport: Road Traffic Law, Infrastructure & Transport Policy, Ministry of Citizen Protection (Police): Enforcement Legislation, inform the implementing and enforcement bodies and traffic and road safety statistics, Attica Traffic Police Authority:Enforcement body and Regional statistics | ↗ |
| The Ministry of Infrastructure & Transport: Road Traffic Code/ Infrastructure, Transport and Road Traffic Policy, Ministry of Citizen Protection: Legislation, inform Police Authorities and keep statistics, Traffic Police Authority: mainly implementing and enforcement body + regional statistics | ↗ |
| Federal Ministry of Transport and Digital Infrastructure; e. g. in charge of regulations about vehicle data and vehicle holder data, road traffic rules | ↗ |
| DIRECCION GENERAL DE TRAFICO. ESTE ORGNAISMO TIENE COMPETENCIA SANCIONADORA EN TODA ESAPAÑA SALVO EN LAS COMUNIDADES AUTONOMAS DE CATALUÑA Y PAIS VASCO QUE TIENEN TRANSFERIDAS LAS COMPETENCIAS ASI COMO LOS AYUNTAMIENTOS QUIENES DENUNCIAN CON SU POLICIA LOCAL LAS INFRACCIONES A LA LEY DE TRAFICO ESPAÑOLA. LAS INFRACCIONES SE TRAMITAN SIGUIENDO UN PROCEDIMIENTO ADMINISTRATIVO. | ↗ |
| Ministry of the Interior. Police, rescue services, emergency response, border management, migration | ↗ |
| The Swedish Transport Agency. Responsible for drawing up regulations and ensuring that authorities, companies, organisations and citizens abide by them in the fields rail, air, sea and road transport. Also national contact point for incoming requests on cbe queries- vehicle owner information. | ↗ |
| DGITM Direction générale des infrastructures, des transports et de la mer | ↗ |
| The Ministry of Transport is responsible for the entire Czech Republic. | ↗ |
| As a police officer, I am under the guidance of the Ministry of Justice and Public Order. I am working in the Traffic Department of the Cyprus Police. My Department is a part of the Police Headquarters. | ↗ |
| Ministry of the Interior. Road Safety security - (share with Ministry of transport) | ↗ |
| Lithuanian Traffic Police Service Responsibility - traffic control, traffic safety | ↗ |
| GENERAL DIRECTION OF TRAFFIC | ↗ |
| Ministry of Mobility and Publics works | ↗ |
| ANSR | ↗ |
| Dublin Metropolitan Region (DMR) Roads Policing Division. Road Traffic Enforcement covering 6 Divisions | ↗ |

| For which authority/ministry do you work and what kind of responsibility does the authority/ministry typically have? | Report |
|--|-------------------|
| Ministry of the Interior. I'm more specifically working in the Interministerial Delegation for Road Safety | ↗ |
| Ministry of Interior, Police Headquarters, Traffic Police Department, road safety enforcement | ↗ |
| The Driving Licensing and Vehicle Registration Directorate which is the Romanian authority responsible for issuing driving licences and registration certificates. | ↗ |
| Nationale Kontaktstelle - CBE - iS RL 2015/413/EU | ↗ |
| National Road Safety Authority Road traffic enforcement, Road Safety, Advisory to the Government on Road Safety matters | ↗ |
| BMK | ↗ |
| Police Authority | ↗ |
| National police - Traffic police, road safety | ↗ |
| RDW in NL is the Nominated Party for Operations of EUCARIS, the exchange mechanism/system for (a.o.) CBE. I am senior advisor for EUCARIS. | ↗ |
| The Swedish Transport Registry | ↗ |
| xx | ↗ |
| rdw | ↗ |

Part 1 of 2

N 46

Does your authority/ministry have responsibilities for the entire country or sub-national/state-level responsibilities?

| | Count | % of responses | % |
|--------------------------|-------|---------------------------------|-----|
| National level | 60 | <div style="width: 87%;"></div> | 87% |
| Sub-national/state-level | 5 | <div style="width: 7%;"></div> | 7% |
| Local level | 2 | <div style="width: 3%;"></div> | 3% |
| Other, please specify | 2 | <div style="width: 3%;"></div> | 3% |











N 69

Does your authority/ministry have responsibilities for the entire country or sub-national/state-level responsibilities? - Other, please specify

| Other, please specify | Report |
|---|-------------------|
| Responsible for the CBE data exchange in the EU | ↗ |
| international | ↗ |










N 2

In your country/area of responsibility, what type of road traffic offences are [detected using automatic and/or manual checking equipment](#) (without stopping the vehicle)? You can choose multiple offences.

| | Count | % of responses | % |
|---|-------|---|-----|
| Speeding | 40 |  | 75% |
| Failing to stop at red traffic light | 21 |  | 40% |
| Non-use of seat belt | 15 |  | 28% |
| Use of forbidden lane | 15 |  | 28% |
| Illegally using a mobile phone or any other communication devices while driving | 15 |  | 28% |
| Failing to wear a safety helmet | 10 |  | 19% |
| Other, please specify | 9 |  | 17% |
| I do not know | 8 |  | 15% |
| Drink-driving | 6 |  | 11% |
| Driving under the influence of drugs | 5 |  | 9% |

N 53

In your country/area of responsibility, what type of road traffic offences are [detected using automatic and/or manual checking equipment](#) (without stopping the vehicle)? You can choose multiple offences.
- Other, please specify

| Other, please specify | Report |
|--|---|
| At this moment, Romania police is not using automatic checking equipment and the mechanism provided by Directive EU 2015/413 |  |
| disrespect of safety distance |  |
| prohibited overtaking, driving without insurance or technical inspection, overweight, too large dimensions |  |
| distance violation/ violations against forming a rescue alley/ other violations (committed by truck drivers) by getting the lane on camera; in case of Non-use of seat belt and Illegally using a mobile phone or any other communication devices while driving the detection is made by looking at the photos |  |
| disruptive and unnecessary driving |  |
| Le ministère de l'intérieur (police et gendarmerie) est en charge des infractions citées ci-dessus / The Ministry of the Interior (police and gendarmerie) is in charge of the offenses cited above. |  |
| Until 2018, speeding was detected using automatic equipment. This way of detection is expected to start again in 2021. At the same time, we detect speed violations and drink - driving, using manual equipment. |  |
| illegal overtaking, turning, entry, reversing, U-turn, violation of rules on mass, violation of direction to be followed, not respecting priority vehicles, violation of rule on emergency lane/pass |  |
| Not relevant for EUCARIS |  |

N 9

How many pieces of [automatic checking equipment](#) does your authority have available to detect the following offences

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Other, please specify |
|----------|---------------|----------------------|--------------------------------------|-----------------------|--------------------------------------|---------------------------------|---|-----------------------|
| | | | | | | | | |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Other, please specify |
|---|---|--|--|--|---|--|---|---|
| Current number of automatic checking equipment 494 | | | | | | Current number of automatic checking equipment 0 | | Failing to stop at red traffic light |
| | | | | | | | | |
| | | | | | | | | |
| Current number of automatic checking equipment 40 | | | | | | | | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |
| I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |
| Current number of automatic checking equipment >2000 poles (data of the Regions available only) | | Current number of automatic checking equipment 0 (only in a pilot) | Current number of automatic checking equipment >1000 | Current number of automatic checking equipment ? | | | Current number of automatic checking equipment 0 (only in a pilot) | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |
| Current number of automatic checking equipment - | | | Current number of automatic checking equipment - | | | | | |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Other, please specify |
|---|---------------|---|--|---|--------------------------------------|---|---|---|
| I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | | | | | | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |
| | | | | | | | | |
| | | | | | | | | |
| Current number of automatic checking equipment 76 | | | Current number of automatic checking equipment 1 | | | | | Current number of automatic checking equipment 0 |
| Current number of automatic checking equipment more than 500 | | | Current number of automatic checking equipment more than 300 | Current number of automatic checking equipment more than 200 | | | Current number of automatic checking equipment 4 | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |
| | | | | | | | | |
| Current number of automatic checking equipment 48 | | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | I do not have this information as it does not fall under my responsibilities / we do not have this data | | I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities we do not have this data |
| Current number of automatic checking equipment 334 | | | Current number of automatic checking equipment 51 | | | | | disrespect of safety distance Current number of automatic checking equipment 11 |
| Current number of automatic checking equipment more than 500 | | | Current number of automatic checking equipment more than 300 | Current number of automatic checking equipment more than 100 | | | Current number of automatic checking equipment 4 | 1, 2 & 3 is the responsibility of the Public Prosecution Office |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Other, please specify |
|---|---|---|---|---|--------------------------------------|---|---|---|
| Current number of automatic checking equipment 166 | | Current number of automatic checking equipment 0 | Current number of automatic checking equipment 6 | Current number of automatic checking equipment 1 | | Current number of automatic checking equipment 0 | Current number of automatic checking equipment 0 | Driving without insurance or technical inspection, overweight, too large dimension Current number of automatic checking equipment 3 |
| I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | Current number of automatic checking equipment 1083/national, 30/regional of Attica | | | Current number of automatic checking equipment 3/ Region of Attica | | | | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |
| I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data | |
| Current number of automatic checking equipment 1299 | | Current number of automatic checking equipment 216 | Current number of automatic checking equipment 15 | Current number of automatic checking equipment 3 | | Current number of automatic checking equipment 216 | Current number of automatic checking equipment 216 | 3 DRONES OPERATIVOS, DRONES FORMACION, HELICOPTER |
| Current number of automatic checking equipment 180 | | Current number of automatic checking equipment 180 | Current number of automatic checking equipment 50 | Current number of automatic checking equipment 25 | | | Current number of automatic checking equipment 180 | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Other, please specify |
|---|---------------|--|---|-----------------------|--------------------------------------|--|---|---|
| I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | | | | | | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |
| Current number of automatic checking equipment 180 | | Current number of automatic checking equipment 180 | | | | | | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |
| I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | | | |
| | | | | | | | | Current number of automatic checking equipment No pieces of automatic checking equipment are use for the time being. |
| Current number of automatic checking equipment 300 | | Current number of automatic checking equipment 100 | Current number of automatic checking equipment 100 | | | Current number of automatic checking equipment 100 | Current number of automatic checking equipment 100 | none Current number of automatic checking equipment 0 |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Other, please specify |
|---|---|---|---|---|---|---|---|---|
| Current number of automatic checking equipment 00 | Current number of automatic checking equipment 7199 | Current number of automatic checking equipment 00 | Current number of automatic checking equipment 00 | Current number of automatic checking equipment 00 | Current number of automatic checking equipment 833 | Current number of automatic checking equipment 00 | Current number of automatic checking equipment 00 | DRON - RPAS Current number of automatic checking equipment 7 |
| Current number of automatic checking equipment 26 | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | Current number of automatic checking equipment 1 | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data |
| | | Current number of automatic checking equipment 1 | | | | | | Current number of automatic checking equipment 1 |
| Current number of automatic checking equipment 50 | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data |
| I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | | | | | | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data |









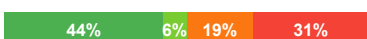
| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Other, please specify |
|---|---------------|---|---|---|--------------------------------------|---------------------------------|---|---|
| Current number of automatic checking equipment 1 | | | | | | | | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |
| Current number of automatic checking equipment 3,499 | | | Current number of automatic checking equipment 704 | | | | | No others Current number of automatic checking equipment 0 |
| Current number of automatic checking equipment 0 | | | Current number of automatic checking equipment 0 | | | | | Current number of automatic checking equipment 0 |
| I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | | | | | | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |
| I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | | | I do not have this information as it does not fall under my responsibilities / we do not have this data I do not have this information as it does not fall under my responsibilities / we do not have this data | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Other, please specify |
|---|---------------|----------------------|--------------------------------------|-----------------------|--------------------------------------|---------------------------------|---|---|
| Current number of automatic checking equipment 50 | | | | | | | | I do not have this information as it does not fall under my responsibilities we do not have this data I do not have this information as it does not fall under my responsibilities we do not have this data |

Part 1 of 3

N 69


How many pieces of [automatic checking equipment](#) does your authority have available to detect the following offences - What is the foreseen development the number of automatic checking equipment in the coming 5 years

| | Average | Count | % of responses |
|---|---------|-------|---|
| Speeding | -33% | 25 |  |
| Drink-driving | -33% | 2 |  |
| Non-use of seat belt | -33% | 8 |  |
| Failing to stop at red traffic light | -33% | 15 |  |
| Use of forbidden lane | -33% | 8 |  |
| Driving under the influence of drugs | -33% | 1 |  |
| Failing to wear a safety helmet | -33% | 5 |  |
| Illegally using a mobile phone or any other communication devices while driving | -33% | 8 |  |
| Other, please specify | -33% | 16 |  |

■ increase
 ■ decrease
 ■ constant
 ■ I do not know

N 29

What are the possible reasons behind the development (increase/decrease) indicated above? Please include to which type of road traffic offence you refer.

| What are the possible reasons behind the development (increase/decrease) indicated above? Please include to which type of road traffic offence you refer. | Report |
|--|---|
| An increase in the number of automatic checking equipment - 358 new devices (including 323 speed registration devices and 35 devices registering vehicles not observing the light signalisation on road crossings devices) is related to the project 'Strengthening the effectiveness and efficiency of the automatic traffic supervision system'. The purchase of the new devices is planned for the years 2021-2023. |  |

| What are the possible reasons behind the development (increase/decrease) indicated above? Please include to which type of road traffic offence you refer. | Report |
|--|-------------------|
| Automatic speed enforcement has largely contributed to the reduction of speed limit infringements, and the increment of places subject to it is increasing road safety and speed limit compliance | ↗ |
| . | ↗ |
| Belgium do not has data available centrally on the number of checking equipment. There are several authorities that own speeding devices: the Police (local and federal Police), but also the road authorities (the municipalities and the 3 Belgian regions). However, all the authorities asked indicate that they foresee an increase in the number of equipment for all types of offences. Issues such as modified legislation (e.g. for the automated control of the use of mobile phones), necessity, budget, improved technology (e.g. for section control, detection of seat-belts and smartphones) and the setting of priorities play a role in this. | ↗ |
| - | ↗ |
| Police: We are planning to introduce section control on Slovenian highways. On state roads, we will also increase the number of speed cameras. Warden Service: Thoughtful and strategic expansion of automatic measuring devices which adapts to the saffety issues and the recontruction of road network in Municipality of Ljubljana. | ↗ |
| continuous expansion of automatic road traffic control | ↗ |
| 1, 2 & 3 is up-to-date and there is no need for more. The development of the mobile Phone camera is the responsibility of the Police and we wil implement at least 15 more cameras this year | ↗ |
| Traffic safety | ↗ |
| Recent years there have been no European resources for Greece related to the supply of devices such as automatic or manual checking equipment. Also the memorandum austerity policies in Greece led to a reduction of expenditures in this section as well. | ↗ |
| ESPAÑA INSTALARÁ PROXIMAMENTE MÁS RADARES EN LAS CARRETERAS ASI COMO LA COMPRA DE MÁS DRONES PARA LA VIGLIANCIA DE LAS CARRETERAS. EL USO DE DRONES PERMITE DENUNCIAR MUCHOS TIPOS DE INFRACCIONES A LA LEY DE TRAFICO CON SEGURIDAD. | ↗ |
| Politicians and authorities have decided to increase automatic control | ↗ |
| It does not apply. | ↗ |
| Speeding first of all, but all others. You do not need persons (camera), it is simplier, chipper,... | ↗ |
| DRUGS, DRON.. | ↗ |
| Speeding is the main cause of road deaths and accidents in Luxembourg. | ↗ |
| Information not available | ↗ |
| currently we do have legal framework, but not the technological framework, a technology system is planned to be in operation | ↗ |
| Roadsafety | ↗ |
| Traffic safety supporting Vision Zero | ↗ |

How does your authorities' automatic checking equipment detect the following offences

| | Average | Count | % of responses |
|---|---------|-------|----------------|
| Failing to wear a safety helmet | 100% | 7 | |
| Speeding | 67% | 34 | |
| Use of forbidden lane | 56% | 12 | |
| Other, please specify | 50% | 18 | |
| Failing to stop at red traffic light | 32% | 17 | |
| Non-use of seat belt | 0% | 12 | |
| Illegally using a mobile phone or any other communication devices while driving | 0% | 12 | |

■ Front
 ■ Back
 ■ Both front and back
 ■ I do not know / NA

N 37

How does your authorities' automatic checking equipment detect the following offences - Other, please specify

| Other, please specify | Value | Report |
|--------------------------------------|---------------------|-------------------|
| Failing to stop at red traffic light | Both front and back | ↗ |
| | I do not know / NA | ↗ |
| | I do not know / NA | ↗ |
| | I do not know / NA | ↗ |
| | I do not know / NA | ↗ |
| disrespect of safety distance | Front | ↗ |
| insurance, technical inspection | Both front and back | ↗ |
| | I do not know / NA | ↗ |
| | I do not know / NA | ↗ |
| DRON - HELICOPTER | Both front and back | ↗ |
| | Front | ↗ |
| | I do not know / NA | ↗ |
| | I do not know / NA | ↗ |
| | I do not know / NA | ↗ |
| | I do not know / NA | ↗ |
| | I do not know / NA | ↗ |
| | I do not know / NA | ↗ |
| | Front | ↗ |

N 18

Are any of the types of automatic and/or manual checking equipment used by your country's authority/authorities able to detect more than one traffic offence? If so, please explain what type of

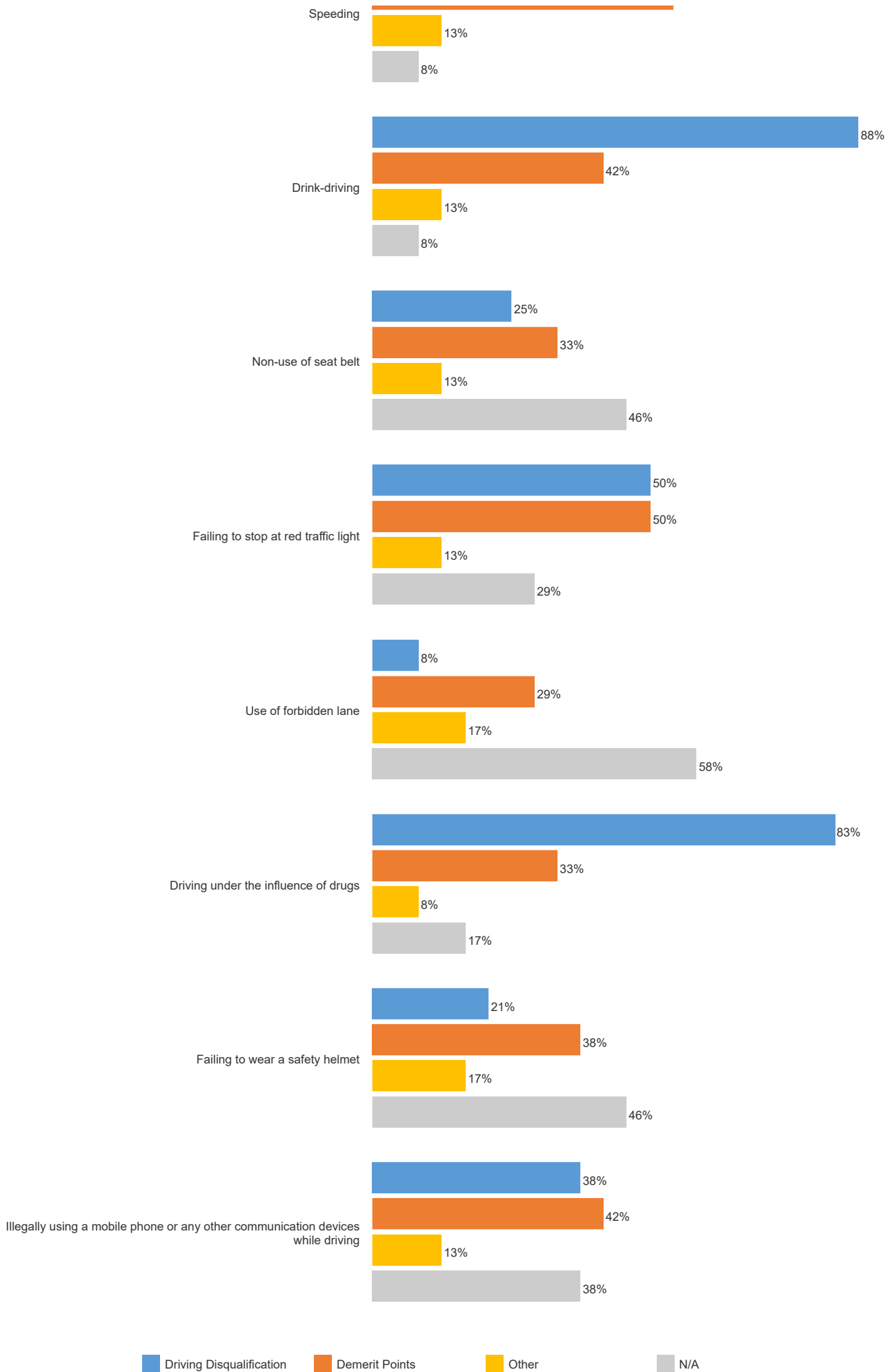
road traffic offences can be detected with a single device and provide the number the number of devices.

| Are any of the types of "automatic and/or manual checking equipment" "Equipment to identify if a road traffic offence has been committed, where the police do not come into direct contact with the offender (e.g. traffic camera)" position="top" used by your country's authority/authorities able to detect more than one traffic offence? If so, please explain what type of road traffic offences can be detected with a single device and provide the number the number of devices. | Report |
|--|-------------------|
| Yes, some devices used for the automatic traffic supervision system are able to defect more than one traffic offence. Nevertheless, due to the conditions of the IT system, every device is used to detect one traffic offence at once. | ↗ |
| . | ↗ |
| Red light cameras also measure speed. ANPR makes it possible to measure speed via section control, as well as the use of forbidden directions or lanes and the verification of technical inspection, registration and insurance (via a link with the database). The overall number of these devices is not known. In Flanders for instance, 14 sites are equipped with combined systems for the automatic control of intermediate distances, overtaking bans and emergency lane driving. Two electronic truck locks have been installed to keep freight traffic out of cores. Weight In Motion systems (cameras as a pre-selection system) were installed at 10 sites in Flanders. | ↗ |
| In our country automatic or manual checking equipmet will only detect one traffic offense. If the offender is subsequently stopped by the police, further traffic offenses may be detected. | ↗ |
| No | ↗ |
| Police: No. Warden Service: Devices are also capable of driving into the red light for which we legal authorization to persecute, however currently we do not excersizing such control with automated devices. | ↗ |
| divices for disrespect of safety distance also control speed | ↗ |
| no | ↗ |
| Yes. Speed, failing to stop at red traffic light, use of forbidden lane, insurance, technical inspection | ↗ |
| No, there is not. | ↗ |
| LOS DRONES PERMITEN, COMO YA HEMOS EXPLICADO, LA DENUNCIA DE MULTPLES INFRACCIONES DE TRÁFICO. | ↗ |
| Yes. We can use the same pictures for evidence of all the offences mentioned before. | ↗ |
| If automatic traffic safety camera take a photo based on speeding, sanction due to non-use of seat belt can also be addressed if it can be seen from the photo. | ↗ |
| In our country automatic or manual checking equipmet will only detect one traffic offense. If the offender is subsequently stopped by the police, further traffic offenses may be detected. | ↗ |
| We use our manual checking equipment in order to detect more than one traffic offence. Specifically, we detect speed and alcohol, of course with different devices. In Cyprus, we use TRUE SPEED TECHNOLOGY LTI 20/20 (they were bought in 2010) and ULTRA LYTE LTI 20 - 20 ((they were bought in 2005). | ↗ |
| 300 - almost all devices can detect more offences- on picture you can see seat belt, safety helmet,..., but some devices automaticaly do that 100. After that you start procedure or not, depend... | ↗ |
| HELICOPTERS, DRON-RPAS | ↗ |
| A radar tracing stops at red traffic light can also control the speed. | ↗ |
| no | ↗ |
| Automated Number Plate Recognition (ANPR) Tax and Insurance and Vehicle Testing | ↗ |
| no | ↗ |
| The Radar speedometers used by the Romanian Police also record video footage, thus they may also detect other road traffic violations. | ↗ |
| If speeding is detected other offence can also be deteced in the picture, e.g. illegal mobile use | ↗ |

N 23

With reference to each CBE road traffic offence, in addition to pecuniary sanctions, are there any other type of sanctions applicable (including [Demerit Point Schemes](#) / [Driving Disqualification](#))? Please fill in the table below to the best of your knowledge.





Speeding Short description / threshold

No data found

Drink-driving Short description / threshold

No data found

Non-use of seat belt Short description / threshold

No data found

Failing to stop at red traffic light Short description / threshold

No data found

Use of forbidden lane Short description / threshold

No data found

Driving under the influence of drugs Short description / threshold

No data found

Failing to wear a safety helmet Short description / threshold

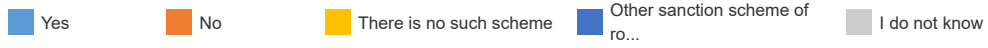
No data found

Illegally using a mobile phone or any other communication devices while driving Short description / threshold

No data found

Do the [Driving Disqualification](#) scheme and the [Demerit Point / Penalty Point Schemes](#) scheme in your country apply to non-residents/foreign offenders?

| | Average | Count | % of responses | | | | |
|-------------------------------|---------|-------|----------------|-----|-----|----|-----|
| Demerit Point / Penalty Point | 30% | 24 | 38% | 25% | 21% | 4% | 13% |
| Driving Disqualification | 5% | 24 | 75% | 4% | 4% | | 17% |



N 24

Driving Disqualification Please provide a short explanation

No data found

Demerit Point / Penalty Point Please provide a short explanation

No data found

We would like to know more about the qualification of road traffic offences (criminal or administrative) in your country and about the minimum pecuniary sanctions (financial penalties) for these offences. Please complete the table below to the best of your knowledge.

| | Average | Count | % of responses | | | |
|---|---------|-------|----------------|-----|-----|-----|
| Speeding | 57% | 24 | 13% | 50% | 25% | 13% |
| Drink-driving | 55% | 24 | 29% | 21% | 38% | 13% |
| Failing to stop at red traffic light | 50% | 24 | 8% | 71% | 8% | 13% |
| Use of forbidden lane | 50% | 24 | 8% | 67% | 8% | 17% |
| Illegally using a mobile phone or any other communication devices while driving | 48% | 24 | 8% | 75% | 4% | 13% |
| Non-use of seat belt | 45% | 24 | 8% | 79% | | 13% |
| Failing to wear a safety helmet | 45% | 24 | 8% | 75% | | 17% |
| Driving under the influence of drugs | 40% | 23 | 43% | 17% | 26% | 13% |

■ Qualified as criminal
 ■ Qualified as administrative
 ■ Qualified as mixed (i.e. cr...
 ■ I do not know

N 24

Speeding Minimum amount of pecuniary sanction in Euros

No data found

Drink-driving Minimum amount of pecuniary sanction in Euros

No data found

Non-use of seat belt Minimum amount of pecuniary sanction in Euros

No data found

Failing to stop at red traffic light Minimum amount of pecuniary sanction in Euros

No data found

Use of forbidden lane Minimum amount of pecuniary sanction in Euros

No data found

Driving under the influence of drugs Minimum amount of pecuniary sanction in Euros

No data found

Failing to wear a safety helmet Minimum amount of pecuniary sanction in Euros

No data found

Illegally using a mobile phone or any other communication devices while driving Minimum amount of pecuniary sanction in Euros






No data found

Please specify, why the same offence was classified as mixed, e.g. as administrative as well as criminal

| Please specify, why the same offence was classified as mixed, e.g. as administrative as well as criminal | Report |
|--|-------------------|
| For Drink Driving it depends on the value of intoxication, over 1.19g/l it's considered a crime. For driving under the influence of drugs it depends on the danger caused by the driver. | ✎ |
| - | ✎ |
| depends on the degree of intoxication | ✎ |
| depends of the actual speed and/or recidivism | ✎ |
| According to Lithuanian law, driving without serious consequences in case of drink-driving, with a maximum of 1.5 promiles, is an administrative offence. Drink driving with 1.51 promiles is crime. If drunk driver or driver under the influence of drugs commits a traffic accident in which people have died or are injured - crime. | ✎ |
| Depending on the level of alcohol presence in the blood, driving under the influence of alcohol escalates from an administrative penalty to a criminal offence. But drug use and driving under the influence of drugs is always a criminal offence. | ✎ |
| UNA INFRACCION DE ALCOHOL, DROGAS, TEMERARIA PUEDE SER ADMINSTRATIVA O PENAL DEPENDIENDO DE LA TASA DE ALCOHOL, LA GRAVEDAD DE LOS HECHOS... | ✎ |
| It is always a criminal case when a road user who intentionally or negligently breaches the Road Traffic Act or the Vehicle Act or the regulations or orders issued on the basis thereof, in a manner conducive to causing a hazard to others. Otherwise it is an administrative case. | ✎ |
| Speeding is classified as criminal if excess speed is at least 21 km/h. | ✎ |
| It depends on the level of speeding or regarding drink-driving on the BAC level | ✎ |
| Drink driving can be classified both as administrative or criminal depending on the alcohol level. | ✎ |

N 11

What types of evidence have specific technical standards/requirements (e.g. type of camera equipment, type of photo, ...), required in your national legal system? (Multiple answers are possible)




| | Count | % of responses | % |
|--|-------|---|-----|
| Type approval procedures for the checking equipment (ensuring accuracy) | 23 |  | 55% |
| Typology of equipment that can be used for detecting the offence (automatic and/or manual) | 20 |  | 48% |
| Photo from front or back of the vehicle | 16 |  | 38% |
| I do not know | 12 |  | 29% |
| Driver visibility | 6 |  | 14% |

N 42

What types of evidence have specific technical standards/requirements (e.g. type of camera equipment, type of photo, ...), required in your national legal system? (Multiple answers are possible)
 - Other, please specify

No data found

We would be interested in some more information on the yearly number of offences detected in your country/area of responsibility. We invite you to complete the following table to the best of your knowledge. Please use the latest year for which data is available. If you prefer, you can also upload a file with the information in the next question.

| | Count | % of responses | % |
|------------------------|-------|--|-----|
| I will fill in a table | 15 |  | 58% |
| I will upload files | 2 |  | 8% |
| I have no data | 9 |  | 35% |

N 26

We would be interested in some more information on the yearly number of offences detected in your country/area of responsibility. We invite you to complete the following table to the best of your knowledge. Please use the latest year for which data is available.

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|----------|---------------|----------------------|--------------------------------------|-----------------------|--------------------------------------|---------------------------------|---|-------------------|
| | | | | | | | | |
| | | | | | | | | |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|---|---|---|---|-----------------------------|---|---|---|---|
| Total number of offences detected 398039 | Total number of offences detected 16637 | Total number of offences detected 20994 | Total number of offences detected 5623 | I do not know I do not know | Total number of offences detected 54 | Total number of offences detected 84 | Total number of offences detected 29785 | Total number of offences detected 12 |
| Total number of offences detected committed by foreign registered vehicles 12012 | Total number of offences detected committed by foreign registered vehicles 975 | Total number of offences detected committed by foreign registered vehicles 1214 | Total number of offences detected committed by foreign registered vehicles 235 | | Total number of offences detected committed by foreign registered vehicles 2 | Total number of offences detected committed by foreign registered vehicles 4 | Total number of offences detected committed by foreign registered vehicles 1094 | Total number of offences detected committed by foreign registered vehicles 40 |
| Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA | | Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA |
| Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | | Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|---|--|---|--|---|--|--|--|--|
| Total number of offences detected 626444 Total number of offences detected committed by foreign registered vehicles / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / (without stopping the driver) which are committed by foreign registered vehicles / | Total number of offences detected 29910 Total number of offences detected committed by foreign registered vehicles / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / (without stopping the driver) which are committed by foreign registered vehicles / | Total number of offences detected 250321 Total number of offences detected committed by foreign registered vehicles / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / (without stopping the driver) which are committed by foreign registered vehicles / | Total number of offences detected 13808 Total number of offences detected committed by foreign registered vehicles / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / (without stopping the driver) which are committed by foreign registered vehicles / | Total number of offences detected 2594 Total number of offences detected committed by foreign registered vehicles / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / (without stopping the driver) which are committed by foreign registered vehicles / | Total number of offences detected 872 Total number of offences detected committed by foreign registered vehicles / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / (without stopping the driver) which are committed by foreign registered vehicles / | Total number of offences detected 0 Total number of offences detected committed by foreign registered vehicles / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / (without stopping the driver) which are committed by foreign registered vehicles / | Total number of offences detected 46191 Total number of offences detected committed by foreign registered vehicles / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / (without stopping the driver) which are committed by foreign registered vehicles / | Total number of offences detected 0 Total number of offences detected committed by foreign registered vehicles / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / Number of offences detected with automatic and/or manual checking equipment, without stopping the driver / (without stopping the driver) which are committed by foreign registered vehicles / |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|--|---|-----------------------------|--------------------------------------|-----------------------------|--|---------------------------------|---|-----------------------------|
| Total number of offences detected 244806 Total number of offences detected committed by foreign registered vehicles 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 201009 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | Total number of offences detected 6668 Total number of offences detected committed by foreign registered vehicles 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | I do not know do not know | I do not know do not know | I do not know do not know | Total number of offences detected 318 Total number of offences detected committed by foreign registered vehicles 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | I do not know do not know | I do not know do not know | I do not know do not know |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|---|---|---|---|---|--|---|--|---|
| <p>Total number of offences detected 5.900.000</p> <p>Total number of offences detected committed by foreign registered vehicles 30%</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, without stopping the driver 95%</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, (without stopping the driver) which are committed by foreign registered vehicles 30%</p> | <p>Total number of offences detected 31.000</p> <p>Total number of offences detected committed by foreign registered vehicles n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, without stopping the driver n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, (without stopping the driver) which are committed by foreign registered vehicles n.a.</p> | <p>Total number of offences detected 98.000</p> <p>Total number of offences detected committed by foreign registered vehicles n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, without stopping the driver n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, (without stopping the driver) which are committed by foreign registered vehicles n.a.</p> | <p>Total number of offences detected n.a.</p> <p>Total number of offences detected committed by foreign registered vehicles n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, without stopping the driver n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, (without stopping the driver) which are committed by foreign registered vehicles n.a.</p> | <p>Total number of offences detected n.a.</p> <p>Total number of offences detected committed by foreign registered vehicles n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, without stopping the driver n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, (without stopping the driver) which are committed by foreign registered vehicles n.a.</p> | <p>Total number of offences detected 4.000</p> <p>Total number of offences detected committed by foreign registered vehicles n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, without stopping the driver n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, (without stopping the driver) which are committed by foreign registered vehicles n.a.</p> | <p>Total number of offences detected n.a.</p> <p>Total number of offences detected committed by foreign registered vehicles n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, without stopping the driver n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, (without stopping the driver) which are committed by foreign registered vehicles n.a.</p> | <p>Total number of offences detected 107.000</p> <p>Total number of offences detected committed by foreign registered vehicles n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, without stopping the driver n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, (without stopping the driver) which are committed by foreign registered vehicles n.a.</p> | <p>Total number of offences detected n.a.</p> <p>Total number of offences detected committed by foreign registered vehicles n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, without stopping the driver n.a.</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, (without stopping the driver) which are committed by foreign registered vehicles n.a.</p> |
| <p>Total number of offences detected 8.000.000</p> <p>Total number of offences detected committed by foreign registered vehicles 800.000</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, without stopping the driver x</p> <p>Number of offences detected with <u>automatic and/or manual checking equipment</u>, (without stopping the driver) which are committed by foreign registered vehicles x</p> | I do not know | I do not know | I do not know | I do not know | I do not know | I do not know | I do not know | I do not know |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|---|---|---|---|-----------------------------|---|--|--|--|
| Total number of offences detected 175912 Total number of offences detected committed by foreign registered vehicles 13357 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver no data Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles no data | Total number of offences detected 10149 Total number of offences detected committed by foreign registered vehicles 300 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | Total number of offences detected 17526 Total number of offences detected committed by foreign registered vehicles 1093 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver no data Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles no data | Total number of offences detected 5959 Total number of offences detected committed by foreign registered vehicles 246 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver no data Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles no data | I do not know I do not know | Total number of offences detected 81 Total number of offences detected committed by foreign registered vehicles 1 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | Total number of offences detected 376 Total number of offences detected committed by foreign registered vehicles 3 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver no data Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles no data | Total number of offences detected 19394 Total number of offences detected committed by foreign registered vehicles 664 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver no data Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles no data | Total number of offences detected 46 Total number of offences detected committed by foreign registered vehicles 11 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver no data Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles no data |
| Total number of offences detected 234.169 Total number of offences detected committed by foreign registered vehicles n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles n/a | Total number of offences detected 31.557 Total number of offences detected committed by foreign registered vehicles n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles n/a | Total number of offences detected 34.594 Total number of offences detected committed by foreign registered vehicles n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles n/a | Total number of offences detected 14.899 Total number of offences detected committed by foreign registered vehicles n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles n/a | I do not know I do not know | I do not know I do not know | Total number of offences detected 52.089 Total number of offences detected committed by foreign registered vehicles n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles n/a | Total number of offences detected 15.746 Total number of offences detected committed by foreign registered vehicles n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver n/a Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles n/a | I do not know I do not know |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|---|--|--|--|--|--|--|--|-------------------------------------|
| Total number of offences detected 690000 | Total number of offences detected 18600 | Total number of offences detected 5894 | Total number of offences detected 2452 | Total number of offences detected 1275 | Total number of offences detected 7034 | Total number of offences detected 420 | Total number of offences detected 4854 | I do not know do not know |
| Total number of offences detected committed by foreign registered vehicles 6000 | Total number of offences detected committed by foreign registered vehicles 1500 | Total number of offences detected committed by foreign registered vehicles 350 | Total number of offences detected committed by foreign registered vehicles 300 | Total number of offences detected committed by foreign registered vehicles 100 | Total number of offences detected committed by foreign registered vehicles 500 | Total number of offences detected committed by foreign registered vehicles 20 | Total number of offences detected committed by foreign registered vehicles 200 | |
| Number of offences detected with automatic and/or manual checking equipment, without stopping the driver 513000 | Number of offences detected with automatic and/or manual checking equipment, without stopping the driver 0 | Number of offences detected with automatic and/or manual checking equipment, without stopping the driver 0 | Number of offences detected with automatic and/or manual checking equipment, without stopping the driver 0 | Number of offences detected with automatic and/or manual checking equipment, without stopping the driver 0 | Number of offences detected with automatic and/or manual checking equipment, without stopping the driver 0 | Number of offences detected with automatic and/or manual checking equipment, without stopping the driver 0 | Number of offences detected with automatic and/or manual checking equipment, without stopping the driver 0 | |
| Number of offences detected with automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles 4000 | Number of offences detected with automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles 0 | Number of offences detected with automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles 0 | Number of offences detected with automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles 0 | Number of offences detected with automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles 0 | Number of offences detected with automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles 0 | Number of offences detected with automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles 0 | Number of offences detected with automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles 0 | |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|---|--|---|---|---|---|--|---|------------------------------|
| Total number of offences detected 690000 Total number of offences detected committed by foreign registered vehicles - Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 513852 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles - | Total number of offences detected 11462 Total number of offences detected committed by foreign registered vehicles - Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver - Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles - | Total number of offences detected 5894 Total number of offences detected committed by foreign registered vehicles - Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver - Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles - | Total number of offences detected 2452 Total number of offences detected committed by foreign registered vehicles - Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver - Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles - | Total number of offences detected 1275 Total number of offences detected committed by foreign registered vehicles - Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver - Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles - | Total number of offences detected 7034 Total number of offences detected committed by foreign registered vehicles - Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver - Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles - | Total number of offences detected 420 Total number of offences detected committed by foreign registered vehicles - Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver - Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles - | Total number of offences detected 4854 Total number of offences detected committed by foreign registered vehicles - Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver - Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles - | I do not know do not know |
| | | | | | | | | |
| | | | | | | | | |
| | | | | | | | | |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|---|--|--|---|-----------------------------|--------------------------------------|---|--|---|
| Total number of offences detected 326292 Total number of offences detected committed by foreign registered vehicles 30000 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | Total number of offences detected 42147 Total number of offences detected committed by foreign registered vehicles 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | Total number of offences detected 87680 Total number of offences detected committed by foreign registered vehicles 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | Total number of offences detected 5302 Total number of offences detected committed by foreign registered vehicles 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | I do not know I do not know | I do not know I do not know | Total number of offences detected 5927 Total number of offences detected committed by foreign registered vehicles 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | Total number of offences detected 36688 Total number of offences detected committed by foreign registered vehicles 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 | Total number of offences detected 55 Total number of offences detected committed by foreign registered vehicles 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 0 Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 0 |
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| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|--|--|--|--|--|--|--|--|--|
| Total number of offences detected 1 | Total number of offences detected 1 | Total number of offences detected 1 | Total number of offences detected 1 | Total number of offences detected 1 | Total number of offences detected 1 | Total number of offences detected 1 | Total number of offences detected 1 | Total number of offences detected 1 |
| Total number of offences detected committed by foreign registered vehicles 11111 | Total number of offences detected committed by foreign registered vehicles 1 | Total number of offences detected committed by foreign registered vehicles 1 | Total number of offences detected committed by foreign registered vehicles 1 | Total number of offences detected committed by foreign registered vehicles 1 | Total number of offences detected committed by foreign registered vehicles 1 | Total number of offences detected committed by foreign registered vehicles 1 | Total number of offences detected committed by foreign registered vehicles 1 | Total number of offences detected committed by foreign registered vehicles 1 |
| Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , without stopping the driver 1 |
| Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 1 | Number of offences detected with <u>automatic and/or manual checking equipment</u> , (without stopping the driver) which are committed by foreign registered vehicles 1 |




| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|---|---|---|--|--|---------------------------------------|--|--|-------------------------------------|
| Total number of offences detected 24248 Total number of offences detected committed by foreign registered vehicles Not Known Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> 10405 Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Total number of offences detected 542 Total number of offences detected committed by foreign registered vehicles NA Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Total number of offences detected 197 Total number of offences detected committed by foreign registered vehicles NA Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Total number of offences detected 2932 Total number of offences detected committed by foreign registered vehicles NA Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> na Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Total number of offences detected 5815 Total number of offences detected committed by foreign registered vehicles NA Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | I do not know do not know | Total number of offences detected 32 Total number of offences detected committed by foreign registered vehicles NA Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | Total number of offences detected 6510 Total number of offences detected committed by foreign registered vehicles NA Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> NA Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> NA | I do not know do not know |

| Speeding | Drink-driving | Non-use of seat belt | Failing to stop at red traffic light | Use of forbidden lane | Driving under the influence of drugs | Failing to wear a safety helmet | Illegally using a mobile phone or any other communication devices while driving | Dangerous parking |
|---|---|--|--|--|--|--|--|--|
| Total number of offences detected 278081 Total number of offences detected committed by foreign registered vehicles 25305 Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> 25391 Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> N/A | Total number of offences detected 3870 Total number of offences detected committed by foreign registered vehicles N/A Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> 0 Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> 0 | Total number of offences detected 16118 Total number of offences detected committed by foreign registered vehicles 893 Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> 0 Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> 0 | Total number of offences detected N/A Total number of offences detected committed by foreign registered vehicles N/A Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> 555 Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> N/A | Total number of offences detected N/A Total number of offences detected committed by foreign registered vehicles N/A Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> 0 Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> 0 | Total number of offences detected 877 Total number of offences detected committed by foreign registered vehicles N/A Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> 0 Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> 0 | Total number of offences detected N/A Total number of offences detected committed by foreign registered vehicles N/A Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> 0 Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> 0 | Total number of offences detected 21394 Total number of offences detected committed by foreign registered vehicles N/A Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> 0 Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> 0 | Total number of offences detected N/A Total number of offences detected committed by foreign registered vehicles N/A Number of offences detected with <u>automatic and/or manual checking equipment, without stopping the driver</u> 0 Number of offences detected with <u>automatic and/or manual checking equipment, (without stopping the driver) which are committed by foreign registered vehicles</u> 0 |

Part 1 of 3

N 69

For which area of responsibility did you answer the previous question?

| | Count | % of responses | % |
|-------------------------------|-------|--|-----|
| National | 13 |  | 87% |
| Regional, namely | 1 |  | 7% |
| I did not provide any answers | 1 |  | 7% |

N 15

For which area of responsibility did you answer the previous question? - Regional, namely

| Regional, namely | Report |
|------------------|-------------------|
| Dublin region | ↗ |

N 1

How would you expect that the number of road traffic offences committed by foreign registered vehicles will evolve over the next 5 years? By what order of magnitude to you/your authority expect them to decrease, increase or are they not expected to change? Please provide your reasoning and any evidence and assessment that support your response.

| How would you expect that the number of road traffic offences committed by foreign registered vehicles will evolve over the next 5 years? By what order of magnitude to you/your authority expect them to decrease, increase or are they not expected to change? Please provide your reasoning and any evidence and assessment that support your response. | Report |
|--|-------------------|
| An increase in the number of offenses committed by drivers using vehicles with a foreign registration plate is expected over the next 5 years. The increase in the number of violations will be related to the increase in the number of recording devices that will be purchased under the project 'Increasing the effectiveness and efficiency of the automatic traffic surveillance system'. The purchase of new devices is planned for the years 2021-2023. | ↗ |
| The trend in the number of offences committed by foreigners in Belgium from 2016 to 2019 is predominantly upward, as reported to the Commission in our report in May 2020. Admittedly, 2017 turned out to include fewer offences, and the upward trend does not apply to certain types of offences such as helmet wearing and red light negation. There are no immediate explanations for this. We do not yet have (complete) figures for 2020, but it is certain that this will be an abnormal year with fewer foreign journeys. It is uncertain what the future will bring. We do not know whether there is any reason to believe that the number of foreign offences in general will increase over the next 5 years, except that traffic will pick up again after corona. It is true, however, that Belgium is putting more and more effort into detecting (foreign) offences by: All offences: •Enlarging its amount of speed cameras, red light cameras, etc. Foreign offences: •Optimising the procedure for collecting the fine; and •Recently sending the information letter in 23 European languages, as required by the directive. Overall, the amount of offences is expected to increase, probably between 6-10% in the coming years. There are no reasons for us to believe that the foreign offences won't follow the same general trend. Moreover, this trend could be more important for foreign offences considering the specific developments above and described further below. | ↗ |
| We assume that the number of traffic offenses committed by foreign vehicles will continue to increase due to higher mobility. | ↗ |
| We cannot predict. | ↗ |
| Police: We can just estimate the number of road traffic offences committed by foreign registered vehicle will grove up. | ↗ |
| increase from 30% (to date) up to 35% (in future) possible reason: steady increase in recent decades due to Austria's geographic location as a European transit country par excellence. | ↗ |
| unknown | ↗ |
| No significant changes | ↗ |
| In our opinion, if the letter of notification of an infringement in CBE-EUCARIS procedure was written in the 3 official languages of the European Union and not in the language of the offender, the use of the CBE-EUCARIS would increase. | ↗ |
| The Number of traffic violations will increase, especially those committed by truck drivers. The possibility of punishment is limited to the types of offense mentioned under No. 1. This is why e. g. parking violations can not be punished, even though these kind of violations represent half of all violations in in town. | ↗ |
| ESPERAMOS QUE EL NUMERO DE DENUNCIAS BAJE POR CUANTO ESTO SUPONDRÁ QUE LA DIRECTIVA CBE ES EFICAZ, SI BIEN ESPAÑA ES UN PAIS TURISTICO Y PROBABLEMNTTE AUMENTE EL NUMERO DE INFRACCIONES CUANDO ESTA SITUACION COVID TERMINE. | ↗ |
| They are going to decrease first because of the coronavirus and after couple of years the are going to increase.. | ↗ |
| We assume that the number of traffic offenses committed by foreign vehicles will continue to increase due to higher mobility. | ↗ |
| We do not expect to have a serious problem in Cyprus, as regards road traffic offences committed by foreign registered vehicles. Most of such vehicles are registered in Cyprus. Only in some few cases they continue to be driven as long as the are foreign registered. | ↗ |
| do not expect to change | ↗ |
| We except that the number of road traffic offences committed by foreign registered vehicles will decrease, because Luxembourg has established an action plan which is founded on the 'zero deaths, zero accidents' principle. | ↗ |
| Never analysed foreign offenders for rta offences | ↗ |
| At least to decrease by 20% every year. | ↗ |
| increase if traffic volume increase or vice versa | ↗ |

| How would you expect that the number of road traffic offences committed by foreign registered vehicles will evolve over the next 5 years? By what order of magnitude to you/your authority expect them to decrease, increase or are they not expected to change? Please provide your reasoning and any evidence and assessment that support your response. | Report |
|--|--------|
| more | |
| xx | |
| Impossible to asses due to aftermath of Corona pandemic | |

N 22

Is there any data available on the share of vehicles, in terms of kilometers driven (in [vkm](#)) with a foreign license plate on your domestic roads within the last year?

| | Count | % of responses | % |
|---------------|-------|----------------|-----|
| Yes | 2 | | 5% |
| No | 18 | | 44% |
| I do not know | 21 | | 51% |

N 41

What is your estimate on the share of vehicles (in [vkm](#)) with a foreign license plate on your domestic roads within the last year?

| | Count | % of responses | % |
|----------------------------|-------|----------------|-----|
| There is no data available | 11 | | 29% |
| 1-5%; | 2 | | 5% |
| 11-15%; | 1 | | 3% |
| 16-25%; | 1 | | 3% |
| More than 25%; | 1 | | 3% |
| I do not know | 22 | | 58% |

N 38

What is your estimate on the share of vehicles (in [vkm](#)) with a foreign license plate on your domestic roads within the last year? - Other, please specify

No data found

Looking back over the last available year and based on information available to you, what percentage of offences [detected with automatic and/or manual checking equipment](#), and which were committed by a foreign registered vehicle and followed-up by a request for information sent to the vehicle's Member State of origin?

| | Count | % of responses | % |
|---------------|-------|----------------|-----|
| I do not know | 14 | | 58% |
| < 10% | 3 | | 13% |
| 21% – 30% | 3 | | 13% |
| 91% - 99% | 2 | | 8% |
| 10% - 20% | 1 | | 4% |
| 100% | 1 | | 4% |

N 24

We previously asked you to provide us with a percentage on offences detected [with automatic and/or manual checking equipment](#), which were committed by a foreign registered vehicle and followed-up by a request for information sent to the vehicle's Member State of origin. Does your organisation keep statistics on this, or was your answer based on an expert guess?

| | Count | % of responses | % |
|--------------------|-------|----------------|-----|
| Expert guess | 4 | | 40% |
| We keep statistics | 6 | | 60% |

N 10

Are there at present any plans to investigate offences committed by foreign registered vehicles more frequently in the coming years?

| | Count | % of responses | % |
|---------------|-------|----------------|-----|
| Yes | 13 | | 33% |
| No | 8 | | 21% |
| I do not know | 18 | | 46% |

N 39

What is the most important reason for this increase? Please elaborate.

| What is the most important reason for this increase? Please elaborate. | Report |
|--|-------------------|
| In Belgium, we are very committed to the development of the second phase (the execution part), now that the information letter in 23 European languages has been sent out from Belgium in 2020. Justice is fully committed to the order to pay (this ensures an executable title without an offender still having to be summoned), to e-codex (a cooperation between Belgium, the Netherlands, France and Germany, which will eventually enable Member States to exchange unpaid fines from foreign offenders digitally) and foreign certificates. | ↗ |
| The first reason is the difficult delivery of documents abroad and the subsequent enforcement of fines. | ↗ |
| Because at this moment, Romania is not using automatic checking equipment and the mechanism provided by the Directive EU 2015/413 we intend to start applying follow-up requests. | ↗ |
| legal equality with own residents | ↗ |
| Police: We will increase the number of speed cameras and section controls. | ↗ |
| Rollout of multilateral Agreements across the EU such as the SALZBURG CBE COOPERATION | ↗ |
| We are going to be more efficient and more equal | ↗ |
| The first reason is the difficult delivery of documents abroad and the subsequent enforcement of fines. | ↗ |
| more camera and devices, better IT infrastructure in future | ↗ |
| Acces to European driving license/photo database and help from other MS to investigate | ↗ |













N 10

Does your country have any bilateral and/or multilateral agreement with other EU Member States that facilitate the investigation to identify the presumed non-resident/foreign offenders?

| | Count | % of responses | % |
|----------------|-------|---------------------------------|-----|
| Yes | 6 | <div style="width: 25%;"></div> | 25% |
| No | 10 | <div style="width: 42%;"></div> | 42% |
| I do not know | 7 | <div style="width: 29%;"></div> | 29% |
| Not applicable | 1 | <div style="width: 4%;"></div> | 4% |

N 24

With which Member State(s) has your country entered into this kind of agreement(s) on the investigation to identify the presumed non-resident/foreign offender? (multiple options possible)





| | Count | % of responses | % |
|---------------|-------|---|-----|
| Hungary | 2 |  | 33% |
| Finland | 2 |  | 33% |
| Germany | 2 |  | 33% |
| Bulgaria | 2 |  | 33% |
| Sweden | 2 |  | 33% |
| Croatia | 1 |  | 17% |
| Denmark | 1 |  | 17% |
| Austria | 1 |  | 17% |
| Liechtenstein | 1 |  | 17% |
| Norway | 1 |  | 17% |
| Switzerland | 1 |  | 17% |
| I do not know | 1 |  | 17% |

N 6

With which Member State(s) has your country entered into this kind of agreement(s) on the investigation to identify the presumed non-resident/foreign offender? (multiple options possible) - Other, please specify

No data found

In your practice/experience of identifying offenders for road traffic offences, to what extent do you rely on the bilateral and/ or multilateral agreement(s) and to what extent do you rely EU law only?

| In your practice/experience of identifying offenders for road traffic offences, to what extent do you rely on the bilateral and/ or multilateral agreement(s) and to what extent do you rely EU law only? | Report |
|---|---|
| Mainly EU law |  |
| This question is not very clear, as it includes different aspects to clearly set apart. EU law to date about 90 %. bilateral and/ or multilateral agreement(s) to date 10% (increasing) |  |
| I do not know. CBE directive, and after that multilateral agreement (20%-maybe) |  |
| Nearly almost on bilateral agreements |  |

N 4

Are their additional benefits to these agreements (on identification) for you in practice, compared to relying on EU law only? You may structure your answer by type of agreement or country.

| Are their additional benefits to these agreements (on identification) for you in practice, compared to relying on EU law only? You may structure your answer by type of agreement or country. | Report |
|--|-------------------|
| x | ↗ |
| Salzburg CBE Agreement with BG, HR and HU: identification of the driver by mutual legal assistance Police Cooperation Agreement AUSTRIA with SWITZERLAND and LIECHTENSTEIN: identification of the driver by mutual legal assistance Bilateral Agreement AUSTRIA-GERMANY: identification of the driver by mutual legal assistance + provision of vehicle holder data for ALL kinds of traffic offences (including all kinds of parking) | ↗ |
| yes, what we can do with CBE: identification, sending and delivering document, establish adress, execution of offence | ↗ |
| We always have to investigate driver liability in relation to traffic offences, even when we use speedcameras | ↗ |






N 4

Does your country have any plans or ongoing discussions with Member States to increase the number of bilateral/multilateral agreements, and if so, with which Member States?

| Does your country have any plans or ongoing discussions with Member States to increase the number of bilateral/multilateral agreements, and if so, with which Member States? | Report |
|--|-------------------|
| I don't know | ↗ |
| The current rollout of the Salzburg CBE Cooperation across the EU offers to ALL EU Member States the possibility of accession to the Salzburg CBE Agreement; a special focus of the roll out is set on the neighboring MS. | ↗ |
| I don't know | ↗ |
| No, as far as we know. | ↗ |
| For the time being, there are no plans. | ↗ |
| no, for now | ↗ |
| Not Known | ↗ |
| not known | ↗ |
| xx | ↗ |
| No knowledge | ↗ |

N 10

If any, which of the following possible reasons (likely) motivate your country to sign the above bilateral/multilateral agreements

| | Count | % of responses | % |
|--|-------|---|-----|
| Reduced technical and legal obstacles in cross-border information exchange | 12 |  | 50% |
| More efficient cross-border enforcement of sanctions | 11 |  | 46% |
| Coverage of a wider range of road traffic offences | 9 |  | 38% |
| I can think of no possible reason | 5 |  | 21% |
| Other, please specify | 3 |  | 13% |

N 24

If any, which of the following possible reasons (likely) motivate your country to sign the above bilateral/multilateral agreements - Other, please specify

| Other, please specify | Report |
|---|--------|
| Not applicable | |
| digitized mutual legal assistance in CBE (service of documents; verification of addresses; driver identification) | |
| 123 | |

N 3

In your current practice, how long does the investigation of an offence take approximately (where the road traffic offence has been committed by a foreign driver/vehicle)

| on average per case | when only relying on bilateral/multilateral agreements (where applicable) | when relying on EU law only <small>{{#popover "CBE Directive" position="right" }} For more information on the Directive, please click on the following link: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L0413 <small>{{/popover}}</small>, <small>{{#popover "MLA Convention" position="right" }} For more information on the EU Convention on Mutual Assistance in Criminal Matters of 2000, please click on the following link: https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/16 <small>{{/popover}}</small>, <small>{{#popover "EIO" position="right" }} For more information on the European Investigation Order, please click on the following link: https://www.eurojust.europa.eu/judicial-cooperation/eurojust-role-facilitating-judicial-cooperation-instruments/european-investigation-order-eio <small>{{/popover}}</small></small></small></small> | Report |
|---|---|---|--------|
| Time (range in hours/mins) 90 days (on average) | Time (range in hours/mins) N/A | Time (range in hours/mins) 90 days (on average) | |
| | | | |
| | | | |
| | | | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| Time (range in hours/mins) 72hours | Time (range in hours/mins) 72hours | Time (range in hours/mins) 72hours | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
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| | | | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| | | | |
| | | | |

| on average per case | when only relying on bilateral/multilateral agreements (where applicable) | when relying on EU law only ({{#popover "CBE Directive" position="right" }} For more information on the Directive, please click on the following link: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L0413 {{/popover}}, {{#popover "MLA Convention" position="right" }} For more information on the EU Convention on Mutual Assistance in Criminal Matters of 2000, please click on the following link: https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/16 {{/popover}}, {{#popover "EIO" position="right" }} For more information on the European Investigation Order, please click on the following link: https://www.eurojust.europa.eu/judicial-cooperation/eurojust-role-facilitating-judicial-cooperation-instruments/european-investigation-order-eio {{/popover}}) | Report |
|---|---|---|--------|
| Time (range in hours/mins) 1 minute | N/A or I do not know N/A or I do not know | Time (range in hours/mins) 1 minute | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| | | | |
| Time (range in hours/mins) 20 min. | N/A or I do not know N/A or I do not know | Time (range in hours/mins) 10-20 min. | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| | | | |
| Time (range in hours/mins) 20 minutes | Time (range in hours/mins) 20 minutes | Time (range in hours/mins) 15 minutes | |
| Time (range in hours/mins) 5 DAYS | N/A or I do not know N/A or I do not know | Time (range in hours/mins) 5 DAYS | |
| Time (range in hours/mins) one hour | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| | | | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| | | | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | |
| | | | |
| | | | |
| | | | |
| | | | |

| on average per case | when only relying on bilateral/multilateral agreements (where applicable) | when relying on EU law only ({{#popover "CBE Directive" position="right" }} For more information on the Directive, please click on the following link: https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32015L0413 {{/popover}}, {{#popover "MLA Convention" position="right" }} For more information on the EU Convention on Mutual Assistance in Criminal Matters of 2000, please click on the following link: https://www.ejn-crimjust.europa.eu/ejn/libdocumentproperties/EN/16 {{/popover}}, {{#popover "EIO" position="right" }} For more information on the European Investigation Order, please click on the following link: https://www.eurojust.europa.eu/judicial-cooperation/eurojust-role-facilitating-judicial-cooperation-instruments/european-investigation-order-eio {{/popover}}) | Report | |
|--|---|---|--|-------------------|
| N/A or I do not know or I do not know | N/A N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| | | | | ↗ |
| N/A or I do not know or I do not know | N/A N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| Time (range in hours/mins) 1 | Time (range in hours/mins) 0 | Time (range in hours/mins) 0 | | ↗ |
| N/A or I do not know or I do not know | N/A N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| Time (range in hours/mins) Investigation commences immediately on detection | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| N/A or I do not know or I do not know | N/A N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| Time (range in hours/mins) 30 mins | N/A or I do not know N/A or I do not know | Time (range in hours/mins) 10 mins | | ↗ |
| N/A or I do not know or I do not know | N/A N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| | | | | ↗ |
| | | | | ↗ |
| N/A or I do not know or I do not know | N/A N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| | | | | ↗ |

Do the bilateral/multilateral agreements cover more and/or a different set of offences than the CBE directive? If yes, please explain

| Do the bilateral/multilateral agreements cover more and/or a different set of offences than the CBE directive? If yes, please explain | Report |
|--|------------------------|
| N/A | Report |
| Our country has concluded two bilateral agreements, one with France and another (similar one) with the Netherlands on the mutual exchange of information on traffic offenders. Since the CBE Directive already forms the legal basis for the exchange of information between European Member States on the 8 main offences, the bilateral agreements are particularly important for all other traffic offences, such as parking offences, low emission zones or failure to respect the priority rules. | Report |
| I don't know | Report |
| Police Cooperation Agreement AUSTRIA, SWITZERLAND, LIECHTENSTEIN: all kinds of traffic offences (including all kinds of parking offences) Bilateral Agreement AUSTRIA-GERMANY: all kinds of traffic offences (including all kinds of parking offences) | Report |
| No | Report |
| Yes. There is for example a bilateral agreement between Germany and Austria: Deutsch-Österreichischer Vertrag über die Amts- und Rechtshilfe in Verwaltungssachen - Article 9 on the enforcement assistance covers all administrative offences, hence also most road traffic offences. It is to be applied next to the FD as allowed by Article 18 of the FD 2005/214/JHA. | Report |
| We do not have such agreements. | Report |
| only uncooperation with owner or holder of car | Report |
| Not Known | Report |
| N/A | Report |
| EUCARIS has a specific service to exchange owner/holder data related to a traffic offence based on bilateral agreements. These agreements cover exchange with countries outside the EU (e.g. Switzerland) and/or other offences than the CBE legislation, e.g. dangerous parking. | Report |
| xx | Report |
| No | Report |

N 13

Are you more likely to follow-up offences (investigation), which are committed by foreign-registered vehicles, if you are aware that a bilateral/multilateral agreement exists with the country of the vehicle registration?

| | Count | % of responses | % |
|--|-------|----------------|-----|
| Yes, my country only follows-up road traffic offences committed by foreign vehicles if an agreement exists with that country | 1 | | 3% |
| Yes, my country follows-up road traffic offences committed by foreign vehicles to a larger extent if an agreement exists with that country | 4 | | 11% |
| No, it does not matter if an agreement exists with the country | 15 | | 41% |
| Other, please specify | 2 | | 5% |
| I do not know | 15 | | 41% |







N 37

Are you more likely to follow-up offences (investigation), which are committed by foreign-registered vehicles, if you are aware that a bilateral/multilateral agreement exists with the country of the vehicle registration? - Other, please specify

| Other, please specify | Report |
|---|-------------------|
| The Czech Republic hasn't bilateral or multilateral agreements. | 🔗 |
| The Czech Republic hasn't bilateral or multilateral agreements. | 🔗 |

N 2

Residents: How long does the (typical) investigation process take from the detection of a road traffic offence to sending a resident offender a penalty notice?

| | Count | % of responses | % |
|-------------------------------|-------|--|-----|
| Up to 1 month | 12 |  | 32% |
| Between 4 and 6 weeks | 3 |  | 8% |
| Between 6 and 8 weeks | 1 |  | 3% |
| Between 3 months up to 1 year | 3 |  | 8% |
| Other, please specify | 3 |  | 8% |
| I do not know | 15 |  | 41% |









N 37

Residents: How long does the (typical) investigation process take from the detection of a road traffic offence to sending a resident offender a penalty notice? - Other, please specify

| Other, please specify | Report |
|---|-------------------|
| from 6 to 10 weeks | 🔗 |
| This procedure does not exist for the time being. We issue penalty notices on the spot. | 🔗 |
| immediate once detected | 🔗 |





N 3

Non-residents: How long does the (typical) investigation process take from the detection of a road traffic offence to sending a non-resident offender a penalty notice?

| | Count | % of responses | % |
|-------------------------------|-------|--|-----|
| Up to 1 month | 8 |  | 22% |
| Between 4 and 6 weeks | 2 |  | 5% |
| Between 6 and 8 weeks | 1 |  | 3% |
| Between 8 and 10 weeks | 1 |  | 3% |
| Between 3 months up to 1 year | 2 |  | 5% |
| Longer than 1 year | 1 |  | 3% |
| Other, please specify | 4 |  | 11% |
| I do not know | 18 |  | 49% |













N 37

Non-residents: How long does the (typical) investigation process take from the detection of a road traffic offence to sending a non-resident offender a penalty notice? - Other, please specify

| Other, please specify | Report |
|---|---|
| from 6 to 10 weeks |  |
| We do not send to non-resident penalty notices concerning CBE offences due to mainly language restrictions. |  |
| It does not apply. |  |
| immediately once detected |  |

N 4

We would like to know more about time typically spent per case by your authority on investigation of road traffic offences covered by the CBE Directive (from the detection of a road traffic offence to providing presumed offender with a penalty notice). Please complete the table below

| Offences committed by foreign vehicles on your territory | Offences committed by domestic vehicles on your territory | Report |
|--|---|---|
| Number of working hours spent per case 4-8 minutes | Number of working hours spent per case 4-8 min (time typically spent per case by your authority on investigation imposing penalty notice)/2,5 h (reporting case to the court) |  |
| | |  |
| | |  |
| | |  |
| | |  |
| N/A or I do not know N/A or I do not know | Number of working hours spent per case 10 minutes |  |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know |  |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know |  |
| Number of working hours spent per case 20 | Number of working hours spent per case 15 |  |
| N/A or I do not know N/A or I do not know | Number of working hours spent per case One and a half hours |  |
| | |  |
| | |  |

| Offences committed by foreign vehicles on your territory | Offences committed by domestic vehicles on your territory | Report |
|--|--|-------------------|
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| | | ↗ |
| | | ↗ |
| Number of working hours spent per case 1 | Number of working hours spent per case 1 | ↗ |
| Number of working hours spent per case standard speeding offences in average less than 3 minutes | Number of working hours spent per case standard speeding offences in average less than 2 minutes | ↗ |
| | | ↗ |
| Number of working hours spent per case 10-30 min. | Number of working hours spent per case 10-20 min. | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| | | ↗ |
| Number of working hours spent per case 20 minutes | Number of working hours spent per case 25 minutes | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| Number of working hours spent per case one hour | Number of working hours spent per case 2 minutes | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| | | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| Number of working hours spent per case 20 | Number of working hours spent per case 15 | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| | | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| | | ↗ |
| | | ↗ |
| | | ↗ |
| | | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| | | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| Number of working hours spent per case 1 | Number of working hours spent per case 1 | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| Number of working hours spent per case 5 | Number of working hours spent per case 5 | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |
| | | ↗ |
| | | ↗ |
| N/A or I do not know N/A or I do not know | N/A or I do not know N/A or I do not know | ↗ |

| Offences committed by foreign vehicles on your territory | Offences committed by domestic vehicles on your territory | Report |
|--|---|-------------------|
| | | ↗ |

Part 1 of 3





N 69

Please explain what the causes are for the difference in terms of time between investigation of offences committed by foreign vehicles and domestic vehicles (as mentioned in the previous question).

| Please explain what the causes are for the difference in terms of time between investigation of offences committed by foreign vehicles and domestic vehicles (as mentioned in the previous question). | Report |
|---|-------------------|
| Correspondence mode of activities (delivery time). | ↗ |
| There are several actors involved in the prosecution of the traffic offences under the CBE Directive. It is important to note that time spent by the respective actors differ greatly depending on the phases in the lifecycle of the offence. For Justice, most of the work comes from the contestations and the non-paid offences. Therefore, in the overview below, we considered the full lifecycle of the offences (and not only until the presumed offender receives a penalty notice). Furthermore, we are currently conducting analysis to estimate the time spent per case for different actors. As these analysis are not finalised, the overview below is based on extrapolations from the outcomes already gathered. Not all steps in the prosecution are covered. Domestic vehicles As from the moment an offence is detected, it takes on average 3'48" to visualise and register it in the system. This does not include the time necessary to install the camera or the materials to detect the offence nor the time to maintain or develop the IT systems etc. It does include the time of the full teams working on this aspect (including the team leaders or managers). From the registration of the offence in the system until the end of the process (i.e. judgement), the Justice needs approximately 4'50" per case. This does not include: activities from the courts, IT developments/maintenance, call center activities, payment of the offence, management of the letters etc. It is a first estimation of the activities from the magistrates and their co-workers related to the road traffic offences. Foreign vehicles There is no significant difference as the majority of the activities are common between the processes (resident vs non-resident). However, additional activities (e.g. translations), specific to foreign offences, are not included in the current analysis and could lead to additional time spent per case. | ↗ |
| Offences committed by residents are investigated more quickly because we have vehicle and citizen registers available. Offences committed by non-residents are investigated more slowly as there is a longer process of finding the necessary information and there is often a problem with the delivery of documents to the offender. | ↗ |
| - | ↗ |
| Warden Service: No differences. | ↗ |
| Assignment of automatic translation | ↗ |
| No significant difference | ↗ |
| We do not keep records for the time consumption per case | ↗ |
| There are various possibilities for driver identification unavailable for investigations involving offences committed by foreign vehicles (request of passport photos, police investigation). This can make the procedure in the case of investigation of offences committed by domestic vehicles longer, because for non-domestic offences there are not that many possibilities and there is no cross boarder support for driver identification. Even the investigations of offences committed by domestic vehicles take more time, they are also more promising. Fewer lawyers legitimize themselves in proceedings against foreign drivers. Fewer requests for inspection of files are made. | ↗ |
| SE TRAMITAN IGUAL LOS PROCEDIMIENTOS SANCIONADORES CONTRA RESIDENTES QUE NO RESIDENTES | ↗ |
| Offences committed by residents are investigated more quickly because we have vehicle and citizen registers available. Offences committed by non-residents are investigated more slowly as there is a longer process of finding the necessary information and there is often a problem with the delivery of documents to the offender. | ↗ |
| It does not apply. | ↗ |
| With foreign vehicles is more complicated, you do not know (or are not sure) adress, delivering document, proof of that, legal procedure is not posible, or is to expensive.. | ↗ |
| Not Known | ↗ |
| yy | ↗ |

N 15

What is the approximate wage level of the officials dealing with the investigation under the CBE Directive per year?

| | Count | % of responses | % |
|---|-------|---|-----|
| Wages lower than your country's average public sector wage level | 2 |  | 5% |
| Wages more or less equal to your country's average public sector wage level | 20 |  | 54% |
| Wages higher than your country's average public sector wage level | 5 |  | 14% |
| I do not know, but approximately (in EURO per year) | 10 |  | 27% |





N 37
















What is the approximate wage level of the officials dealing with the investigation under the CBE Directive per year? - I do not know, but approximately (in EURO per year)

| I do not know, but approximately (in EURO per year) | Report |
|---|---|
| x |  |
| Not applicable |  |
| wv |  |
| xxx |  |
| Sorry I do not know |  |
| It does not apply. |  |
| 1000 |  |
| 4000-5000 |  |
| 1200 |  |
| ? |  |

N 10

What other costs arise when investigating one road traffic offence and enforcing a sanction (financial penalty) for this offence committed by a foreign registered vehicle (e.g. translation costs, costs charged by Member State of the presumed offender for assistance in investigation, postal charges etc.) ? Please provide the additional cost, the reason for the additional cost and an indicative amount spent per typical case.

| What other costs arise when investigating one road traffic offence and enforcing a sanction (financial penalty) for this offence committed by a foreign registered vehicle (e.g. translation costs, costs charged by Member State of the presumed offender for assistance in investigation, postal charges etc.) ? Please provide the additional cost, the reason for the additional cost and an indicative amount spent per typical case. | Report |
|---|---|
| 1)Translation of standard documents – one-time payment or recurring cost (caused by changes in the law) ~7000€ 2)Translation of individual documents- occasional cost ~90€ 3)Higher postage costs ~2,5€ |  |
| On average, the cost for letters (printing, postage, order to pay, treatment) is slightly higher for foreign requests, mainly because of the treatments (processing). Treating the foreign requests also required investments for adapting the IT systems or developing them. The translations of the offences in 23 EU languages as well as the implementation of e-Codex represent additional costs. Finally, there is currently no exact estimation of the operational cost of translating contestations (challenges) from presumed foreign offenders. |  |
| The main costs include transport costs and assistance from the member state in contacting the offender. The amount of costs varies from case to case. |  |
| - |  |





| What other costs arise when investigating one road traffic offence and enforcing a sanction (financial penalty) for this offence committed by a foreign registered vehicle (e.g. translation costs, costs charged by Member State of the presumed offender for assistance in investigation, postal charges etc.) ? Please provide the additional cost, the reason for the additional cost and an indicative amount spent per typical case. | Report |
|--|---|
| Warden Service: Postage, cost of translation. |  |
| For CBE standard cases there are standard translations, the costs arising only once for establishing the necessary standard translation, which are then distributed to all Austrian CBE authorities. Cost for making national applications ready for CBE enforcement. |  |
| Post charges (about 7200 EUR per month) |  |
| n/a |  |
| higher costs for delivery/postage rates: standard shipping 1,10 Euro compared with 0,80 Euro within our country; registered letter 8,80 Euro compared with 3,13 Euro within our country. Translation costs in rare cases (17 cases a year with costs of 30-40 Euro) |  |
| GASTOS DE CORREO POTAL Y DE TECNOLOGIA |  |
| N/A |  |
| The main costs include transport costs and assistance from the member state in contacting the offender. The amount of costs varies from case to case. |  |
| It does not apply. |  |
| 12 |  |
| translation costs, postal charges |  |
| Not Known |  |
| translation costs for penalty notice, translation costs in case of appeal, serving the penalty notice, EUCARIS costs, |  |
| xx |  |
| We do not measure time or calculate costs per investigation |  |

If you are the recipient of incoming requests from other countries for the identification of a offender: How many resources are (time and finance) spent on addressing one incoming request from another country for information on a traffic offence committed abroad by a vehicle registered in your country? (Estimated time spent on one typical case, feel free to use a range)

| If you are the recipient of incoming requests from other countries for the identification of a offender: How many resources are (time and finance) spent on addressing one incoming request from another country for information on a traffic offence committed abroad by a vehicle registered in your country? (Estimated time spent on one typical case, feel free to use a range) | Report |
|---|-------------------|
| N/A | ↗ |
| Besides the maintenance of EUCARIS in which Belgium participates, there is no specific analysis detailing the resources dedicated to the identification of offences committed by Belgian vehicles abroad. If the vehicle is owned by a legal entity, the information concerning the actual driver or owner (natural person) is retrieved manually. However, no cost calculation of the used resources has yet been made for this yet. | ↗ |
| General Directorate for Driving licenses and Car Registration (GDDLRCR) already answered to these question. | ↗ |
| The question is not very clear. Incoming CBE requests are answered automatically within seconds, without any manual Intervention on the side of the MS of registration. | ↗ |
| All requests and answers are carried out via Eucaris automatically | ↗ |
| Incoming requests are replied automatically via EUCARIS functionality. | ↗ |
| I don't know, no statistical recording. | ↗ |
| 5 minutes | ↗ |
| None. All automatic through the EUCARIS system | ↗ |
| It does not apply. | ↗ |
| 12 | ↗ |
| I do not know | ↗ |
| Not Known | ↗ |
| no costs for EUCARIS based requests, requests based on Vienna Convention on Road Traffic requires 1 hour maximum | ↗ |
| xx | ↗ |
| Not recipient | ↗ |

N 16

In your country, how is the vehicle registration database organised?

| | Count | % of responses | % |
|-----------------------------------|-------|--|-----|
| Centralised, e.g. single database | 28 |  | 76% |
| Various national registers | 1 |  | 3% |
| Other, please specify | 2 |  | 5% |
| I do not know | 6 |  | 16% |




N 37

In your country, how is the vehicle registration database organised? - Other, please specify

| Other, please specify | Report |
|---|-------------------|
| GDDLCR already answered to this question. | ↗ |
| In all EU countries EUCARIS is fed by a National Contact Point; in most countries the role of NCP is at the authority responsible for the vehicle register. | ↗ |

N 2

How often does the database get updated with import/export information of vehicles, as well as the vehicle owner changes?

| | Count | % of responses | % |
|-----------------------|-------|--|-----|
| Every day (automatic) | 24 |  | 65% |
| Other, please specify | 4 |  | 11% |
| I do not know | 9 |  | 24% |






N 37

How often does the database get updated with import/export information of vehicles, as well as the vehicle owner changes? - Other, please specify

| Other, please specify | Report |
|--|-------------------|
| GDDLCR already answered to this question. | ↗ |
| The vehicle owner is not registered. We do get information on vehicle holder changes in an automatic way several times a day. Import/Export information is not available in the register. | ↗ |
| In some cases immediately(ownership change,insurance and so on), depending on when the receiving country reports import, we register export. Import procedures can be lengthy depending on the owner applying for the import procedures and providing correct documents. | ↗ |
| In some countries a new owner has to notify the Registration Authority within a certain period of some weeks. As a consequence the registration is behind, even if the updates are registered daily or real-time. | ↗ |

N 4

How is the necessary data from your vehicle registration database fed into EUCARIS?

| | Count | % of responses | % |
|------------------------|-------|--|-----|
| Automated process | 18 |  | 49% |
| Semi-automated process | 1 |  | 3% |
| Manual process | 1 |  | 3% |
| Other, please specify | 3 |  | 8% |
| I do not know | 14 |  | 38% |






N 37

How is the necessary data from your vehicle registration database fed into [EUCARIS](#)? - Other, please specify

| Other, please specify | Report |
|---|------------------------|
| . | Report |
| GDDLRCR already answered to this question. | Report |
| Everywhere the process is fully automated; delivery of data is partly a synchronous process | Report |

N 3

Do you experience technical problems at national level or when using [EUCARIS](#)?

| | Count | % of responses | % |
|--|-------|--|-----|
| I do not know | 16 |  | 43% |
| No | 14 |  | 38% |
| Other, please specify | 6 |  | 16% |
| Interoperability problems at national | 1 |  | 3% |
| Interoperability problems when using EUCARIS | 1 |  | 3% |

N 37

Do you experience technical problems at national level or when using [EUCARIS](#)? - Other, please specify

| Other, please specify | Report |
|--|------------------------|
| Problem with the access of the data from some countries e.g. from France which is in the system but the responses do not come back, there are temporary problems with database availability. | Report |
| We experience very little technical problems with Eucaris. | Report |
| GDDLRCR already answered to this question. | Report |
| not often | Report |
| We have not acquired an adequate experience yet. | Report |
| EUCARIS is constantly monitoring the delivery; we are not aware of consistent problems | Report |













N 6

Could you please elaborate on the technological problems which you experience? (e.g. consistent system down errors or IT problems with [EUCARIS](#); etc..)

| Could you please elaborate on the technological problems which you experience? (e.g. consistent system down errors or IT problems with EUCARIS position="right" } EUCARIS is an exchange system and executive body, connecting vehicle and driving licence registration authorities in Europe. Its use prevents high financial investments for Member States, as none have to develop an individual system EUCARIS); etc..) | Report |
|--|-------------------|
| Problem with the access of the data from some countries e.g. from France which is in the system but the responses do not come back, there are temporary problems with database availability. | ↗ |
| It occurs frequently the unavailability of necessary data to fill the mandatory fields of information in order to promote the adequate procedures | ↗ |
| GDDLRCR already answered to these questions 43-51. | ↗ |
| No experience yet. | ↗ |

N 4



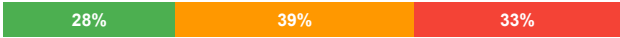

Are all the data listed as mandatory in Annex I of the [CBE Directive](#) available in your national vehicle registers? Please tick the appropriate box in the table below

| | Average | Count | % of responses |
|---|---------|-------|---|
| Registration number | 21% | 36 |  |
| Make, e.g. Ford, Opel, Renault, ... | 21% | 36 |  |
| EU category Code, e.g. mopeds, motorbikes, cars | 21% | 36 |  |
| First name | 21% | 36 |  |
| Chassis number/VIN | 22% | 36 |  |
| Address | 22% | 36 |  |
| Commercial type of the vehicle, e.g. Focus, Astra, Megane | 24% | 36 |  |
| Registration holder's (company) name | 24% | 36 |  |
| Member State of registration | 25% | 36 |  |
| Legal Entity | 26% | 36 |  |
| Date of Birth | 31% | 36 |  |
| Owner's company name | 36% | 36 |  |

 Yes  No  I do not know

N 36
























Is any of the following (non-mandatory) data available in your national vehicle registers? Please tick the appropriate box in the table below.

| | Average | Count | % of responses |
|-----------------------|---------|-------|--|
| ID number | 44% | 36 |  |
| Gender | 53% | 36 |  |
| Place of Birth | 53% | 36 |  |
| Other, please specify | 87% | 23 |  |

 Yes  No  I do not know

N 36

Is any of the following (non-mandatory) data available in your national vehicle registers? Please tick the appropriate box in the table below. - Other, please specify

| Other, please specify | Value | Report |
|-----------------------|---------------|---|
| | I do not know |  |
| | I do not know |  |
| | No |  |
| | Yes |  |
| | I do not know |  |
| | No |  |
| | I do not know |  |
| | No |  |
| | I do not know |  |
| | I do not know |  |
| | I do not know |  |
| | I do not know |  |
| | I do not know |  |
| | I do not know |  |
| | I do not know |  |
| | No |  |
| | I do not know |  |
| | I do not know |  |
| | I do not know |  |
| | I do not know |  |
| | I do not know |  |
| | I do not know |  |
| | I do not know |  |

N 23

In the context of the [CBE Directive](#), do you use any other information systems that are overlapping or complementary to [EUCARIS](#) in the processes listed below? Please tick all that apply.

| | Count | % of responses | % |
|--|-------|----------------|-----|
| I do not know | 25 | | 69% |
| Other, please specify | 6 | | 17% |
| Identification of the driver | 3 | | 8% |
| Identification of the vehicle owner/holder | 2 | | 6% |

N 36

In the context of the [CBE Directive](#), do you use any other information systems that are overlapping or complementary to [EUCARIS](#) in the processes listed below? Please tick all that apply. - Other, please specify

| Other, please specify | Report |
|--|--------|
| We do not use any other information systems. | |
| no complementary systems are used | |
| The question is not very clear, what has to be understood under ' information system'. | |
| No, we do not use any other app that may overlap or as a complement to EUCARIS. | |
| none | |
| EUCARIS Salzburg service provide data for CBE follow up proceedings (e.g. on the driver) | |

N 6

Do you use [EUCARIS](#) to identify the offender who committed offences not covered by the [CBE Directive](#) (potentially covered by other EU law)?

| | Count | % of responses | % |
|---------------|-------|----------------|-----|
| Yes | 7 | | 19% |
| No | 12 | | 33% |
| I do not know | 17 | | 47% |

N 36

Could you indicate the type of offence (road-safety related traffic offence, other road traffic offence, other offence in general) for which you use EUCARIS?

| Could you indicate the type of offence (road-safety related traffic offence, other road traffic offence, other offence in general) for which you use EUCARIS? | Report |
|---|--------|
| In function of the 2 bilateral agreements with France and the Netherlands regarding all types of road safety offences, i.e. other than the offences included in the CBE Directive (e.g. low emission zones, parking offences,...). | |
| EUCARIS is the only official tool that the traffic police has the possibility to use on the spot while checking a foreign vehicle or a foreign driving license. | |
| As already set out, with GERMANY, SWITZERLAND and LIECHTENSTEIN all kinds of traffic offences are covered (including all kinds of parking offences). | |
| All offences covered by the CBE Directive | |
| e.g. road-safety related traffic offence; or in case of Framework Decision 2008/615/JHA | |
| All countries use EUCARIS for Police info (Prüm) and will use EUCARIS for VAT fraud and offences related to Tolls (EETS Directive); most use EUCARIS for checks at re-registration of used vehicles and for checks at the exchange of a driving licence; some use EUCARIS for checks on mileage, roadside inspections, tachograph card information, ERRU, parking offences, enforcement of environmental zones; | |

N 6






Please share your experience on the use of [EUCARIS](#). We are interested in understanding the amount of your effort necessary to use [EUCARIS](#), the costs of using [EUCARIS](#), the positive/negative results of the searches made in [EUCARIS](#) (incl. errors, interoperability, ease of finding enough information about the offender, etc.) (open question). Your responses will allow us to refine our present view on the problems with regards to exchange of information on road traffic offences.

| Please share your experience on the use of EUCARIS . We are interested in understanding the amount of your effort necessary to use EUCARIS , the costs of using EUCARIS , the positive/negative results of the searches made in EUCARIS (incl. errors, interoperability, ease of finding enough information about the offender, etc.) (open question). Your responses will allow us to refine our present view on the problems with regards to exchange of information on road traffic offences. | Report |
|---|--------|
| Problem with the access of the data from some countries e.g. from France which is in the system but the responses do not come back, there are temporary problems with database availability. | |
| EUCARIS use is very limited due to the problems reported before | |
| . | |
| No significant problems. | |
| It can be useful for the police forces to be able to check if a driving license is valid (also if the right of driving is not affected on the territory of the state which issued it). In Romania, if there are restrictions regarding the right of driving vehicles the driver will be charged under the criminal law (Penal case). | |
| As already set out on different previous occasions, the information exchange via EUCARIS works very (cost-)efficient, reliable and satisfying. | |
| We are highly satisfied with EUCARIS. In general: The system is highly reliable. Plus, we see it as a benefit that if the IT in one MS is down the exchange with the other MS is still working. Regarding costs EUCARIS provides great service for little money. Germany uses numerous EUCARIS services. Over the years we have gained a lot of technical and functional experience with EUCARIS. Therefore, we find it easy to implement new EUCARIS services. EUCARIS enables us users to participate in further developments of the services (e.g. by taking part in a Technical Working Group). That way all MS have the opportunity that their needs are taken care of. Plus EUCARIS has a great helpdesk that assists MS if technical problems arise. Related to the CBE service: The usability of the CBE results has nothing to do with EUCARIS. That often depends on national legislation (countries that do focus on driver liability have to identify the actual driver. However, the vehicle registers can only provide information on the holder). EUCARIS CBE provides us users with an appropriate number of return codes. For instance, if for data protection reasons holder data may not be provided the response "information not disclosed" is returned. That means that even if no holder data is returned the whole process is working correctly. It is our experience using EUCARIS CBE that often negative results (no information found) are due to requests that do not follow the rules of the syntax they have to use. For example, the requesting MS enters the licence plate number in an incorrect way into the search frame. In these cases EUCARIS and the requested vehicle register will either return no information or incorrect information. However, the information transmitted by EUCARIS and provided by the national vehicle register is correct in relation to the requested plate number. | |
| EUCARIS FUNCIONA MUY BIEN Y NOS ES DE MUCHA UTILIDAD. | |

| | |
|---|-------------------|
| <p>Please share your experience on the use of EUCARIS. EUCARIS is an exchange system and executive body, connecting vehicle and driving licence registration authorities in Europe. Its use prevents high financial investments for Member States, as none have to develop an individual system. We are interested in understanding the amount of your effort necessary to use EUCARIS. EUCARIS is an exchange system and executive body, connecting vehicle and driving licence registration authorities in Europe. Its use prevents high financial investments for Member States, as none have to develop an individual system. EUCARIS is an exchange system and executive body, connecting vehicle and driving licence registration authorities in Europe. Its use prevents high financial investments for Member States, as none have to develop an individual system, the costs of using EUCARIS, the positive/negative results of the searches made in EUCARIS. EUCARIS is an exchange system and executive body, connecting vehicle and driving licence registration authorities in Europe. Its use prevents high financial investments for Member States, as none have to develop an individual system (incl. errors, interoperability, ease of finding enough information about the offender, etc.) (open question). Your responses will allow us to refine our present view on the problems with regards to exchange of information on road traffic offences.</p> | Report |
| <p>As national contact point for other types of international data exchange in the driver and vehicle area, we have good experience in using Eucaris. Cheap yet efficient system, easy to connect to and get other parties connected to (police, tax authority etc). Is now in use in Sweden for Prüm, ERU, Resper, TACHO, VAT, RSI (shortly), and also eCoC will be implemented in the future. We use EUCARIS for import checks through a multilateral treaty as well. Helpful and knowledgeable staff, working together with all contact points to improve the platform.</p> | ↗ |
| <p>The problem in Cyprus is the fact that traffic offences which are included in the legislation on Extrajudicial Regulation of Offences cannot be regarded as administrative offences. If an offender does not settle his or her fine within fifteen days from the date it is imposed, it is going to increase by an amount equal to half the amount of the fine. In this case, the fine can be settled within the next fifteen days (within thirty days from the date the warning was issued). It is important to note that if the fine is not settled within a thirty-day period from the date the warning was issued, its payment at a later date will not be accepted and the offender will be prosecuted. Of course, the above period will not be strictly taken into consideration as regards the implementation of the CBE Directive. My fear is that the Framework Decision 2005/2014 JHA, on the mutual recognition of financial penalties, will not help us with the follow up of the CBE Directive because even if it is amended, the traffic offences are not considered as administrative, since the offender has the legal right to appear before the court, by not accepting the charge and the fine in order to defend himself or herself. I believe that the follow up of the CBE Directive must be a matter of further discussion and my opinion is that similar problems will be created for other countries having such provisions in their own national legislation. I mean provisions for the appearance of the offender before the court. I remain at your disposal for any further discussion or questions, you may have and it would be highly appreciated if you have any comments or observations that may lead to the solving of the problem or that may be used as a base to solve the problem in the future. May be some other measures have to be taken, such as the confiscation of an amount (guarantee) in order for the police to secure the appearance of the offender before the court.</p> | ↗ |
| <p>We have no issues with EUCARIS. We are satisfied.</p> | ↗ |
| <p>positive experience</p> | ↗ |
| <p>For some elements I refer to the statistics delivered to Mr. Koronthaly last year. I am very much prepared to answer any more detailed questions in a second round.</p> | ↗ |
| <p>xx</p> | ↗ |
| <p>Eucaris is held by the Swedish Transport Agency. Can not answer questions above</p> | ↗ |
| <p>ggg</p> | ↗ |


N 16

Does your country apply a different timeframe (e.g. deadline) for sending penalty notices to domestic residents for road traffic offences in comparison to non-residents?

| | Count | % of responses | % |
|---|-------|---|-----|
| Yes, a longer deadline | 2 |  | 9% |
| No, the deadlines are equal for both resident drivers and non-resident drivers | 11 |  | 48% |
| No, the deadlines are equal for both offences committed by a vehicle registered abroad and committed by a vehicle registered in national register | 1 |  | 4% |
| Other, please specify | 1 |  | 4% |
| I do not know | 8 |  | 35% |













N 23

Does your country apply a different timeframe (e.g. deadline) for sending penalty notices to domestic residents for road traffic offences in comparison to non-residents? - Other, please specify

| Other, please specify | Report |
|--|---|
| At this moment, Romanian police is not using automatic checking equipment and the mechanism provided by the Directive EU 2015/413. |  |

N 1

What timeframe does your national law foresees for sending penalty notices to presumed offenders who are non-residents?

| What timeframe does your national law foresees for sending penalty notices to presumed offenders who are non-residents? | Report |
|---|---|
| At this moment, Romanian legislation impose the authorities to send the administrative sanctions within 6 months from the moment when the infringement was committed. |  |
| 1 year. |  |
| usually 1 month (maximum term - 2 years) |  |
| There is no deadline |  |
| 10 DAYS |  |
| There are no time limits. |  |
| 3 years |  |
| 2 |  |
| 107 days |  |
| 2 years |  |
| xx |  |
| As soon as possible |  |




N 12

Could you please provide reference to the relevant law(s) on penalty notice timeframes (including title of the law(s); article; paragraph)?

| Could you please provide reference to the relevant law(s) on penalty notice timeframes (including title of the law(s); article; paragraph)? | Report |
|---|-------------------|
| Art. 13 (1) from Governmental Ordinance no 2/2001 "The application of the sanction of the contraventional (eg administrative) fine shall be prescribed within 6 months from the date of committing the deed". | ↗ |
| https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10005770 | ↗ |
| Code of Administrative Offences of the Republic of Lithuania (Article 39); Procedure for investigating road traffic offences recorded by fixed or mobile systems in police (paragraph 34) | ↗ |
| - | ↗ |
| REAL DECRETO LEGISLATIVO 6/2015, DE 30 DE OCTUBRE LEY TRAFICO | ↗ |
| THE LAWS REGULATING THE SETTLEMENT OF OFFENCES OUT OF COURT OF 1997 TO 2020 (Law 47(I)/1997, as amended). | ↗ |
| Offence law | ↗ |
| Road Traffic Act 2010 Section 11 (Irish legislation) | ↗ |
| Act 372/1990 Coll. on offences, § 20.1 | ↗ |
| xx | ↗ |
| Rättegångsbalken/Code of Judicial Procedure (1972:740) 48 Chpt | ↗ |







N 11

By which mean do you serve the penalty notice to the presumed foreign offender?

| | Count | % of responses | % |
|--------------------|-------|---|-----|
| By registered mail | 8 |  | 35% |
| By regular mail | 9 |  | 39% |
| I do not know | 6 |  | 26% |

N 23

Article 6 of the [CBE Directive](#) sets out the Member States' reporting obligations. Has your country encountered any difficulties in fulfilling these obligation in the last 3 years?

| | Count | % of responses | % |
|---|-------|--|-----|
| I do not know | 19 |  | 54% |
| No | 14 |  | 40% |
| Yes, namely administrative difficulties | 2 |  | 6% |
| Yes, please specify | 2 |  | 6% |
| Yes, namely legal difficulties | 1 |  | 3% |
| Yes, namely technical difficulties | 1 |  | 3% |

N 35

Article 6 of the [CBE Directive](#) sets out the Member States' reporting obligations. Has your country encountered any difficulties in fulfilling these obligation in the last 3 years? - Yes, please specify

| Yes, please specify | Report |
|--|-------------------|
| Initially the answer is no. Germany intends to comply with its reporting obligations under Article 6 of Directive 2015/413/EU (CBE Directive) and sends its report by 6 May as requested. But the reporting obligation of MSs is considered as a burden in terms of information to collect. In Germany the German Federal States are responsible. The necessary information/data needs to be collected from the German Federal States. There is no central availability of the requested information. The report from Germany in | ↗ |
| We do not have all data what we need for report | ↗ |





N 2

Could you please clarify your answer, explaining the reasons for the difficulties encountered?

| Could you please clarify your answer, explaining the reasons for the difficulties encountered? | Report |
|---|-------------------|
| We have not IT infrastructure on that level, We can not get report what we want and what we need for report (Artical 6) | ↗ |









N 1

How do you rate the necessary efforts needed to collect the relevant information to fulfil the [reporting obligations](#) as mentioned in the CBE Directive?

| | Count | % of responses | % |
|---|-------|---|-----|
| Not a problem. The necessary efforts are kept to a minimum. | 11 |  | 31% |
| Somewhat a problem. The necessary efforts are fairly high, but acceptable. | 4 |  | 11% |
| Problematic. The necessary efforts are causing an unacceptable administrative burden. | 1 |  | 3% |
| I do not know | 19 |  | 54% |

N 35

If you would like to leave any final notes and/or comments, feel free to use the text box below.

| If you would like to leave any final notes and/or comments, feel free to use the text box below. | Report |
|---|---|
| <p>As we mentioned before, from the police point of view, in order to be able to increase safety and regulations on European Roads, we are interested in finding a way to impose and follow restrictions to a Member State driving license holder. For example, if a driver is banned or suspended to drive in Germany (alcohol/drugs/speed etc.), even he/she is holder of a Romanian driving license he/she shouldn't be allowed to drive on other Member State territory. Romania is one of the few European countries who signed and transposed in national legislation the European Convention on the International Effects of Deprivation of the right to drive a Motor Vehicle – 03.06.1976 Brussel.</p> |  |
| <p>The questionnaire was completed by the Ministry of Infrastructure with the assistance of the Police and Municipal Warden Services of Ljubljana, the capital of Slovenia.</p> |  |
| <p>To the previous question: 'Article 6 of the CBE Directive sets out the Member States' reporting obligations. Has your country encountered any difficulties in fulfilling these obligation in the last 3 years?' Additional to answer to Yes, please specify: 'Initially the answer is no. Germany intends to comply with its reporting obligations under Article 6 of Directive 2015/413/EU (CBE Directive) and sends its report by 6 May as requested. But the reporting obligation of MSs is considered as a burden in terms of information to collect. In Germany the German Federal States are responsible. The necessary information/data needs to be collected from the German Federal States. There is no central availability of the requested information. The report from Germany includes both the transmission of the available data as well as an explanatory text, as requested by the Commission. Besides those administrative difficulties there legal difficulties. For example the number of information letters sent out could no longer be completed due to the expiry of the retention periods for the older survey year. Anyway it has to be ensured that the data is collected in compliance with data protection regulations.'</p> |  |
| <p>I have already made my comments as regards the necessity to solve the problem in Cyprus, that traffic offences which are included in the legislation on Extrajudicial Regulation of Offences cannot be regarded as administrative offences.</p> |  |
| <p>For more information ANte GAšpar agaspar@mup.hr Road Safety Service Ministry of the Interior</p> |  |
| <p>A lot of the question asked in this survey concerned other authorities like the police and the National Society of Automobile Traffic.</p> |  |
| <p>Please feel free to contact me if you have any remaining questions on the functioning of EUCARIS.</p> |  |
| <p>The CBE-directive must be extended to be to any use for us. Information about vehicle and owner is not enough, we need driving license info with photo to conduct a proper investigation and track down the driver. We do not use ownwer liability for any of the offences stated in the CBE-directive.</p> |  |

N 8

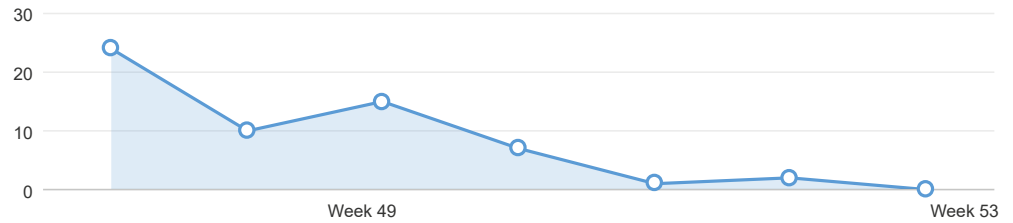
Powered by [CheckMarket](#)

Questionnaire directed at Ministry of Justice and Justice Authorities

Respondents

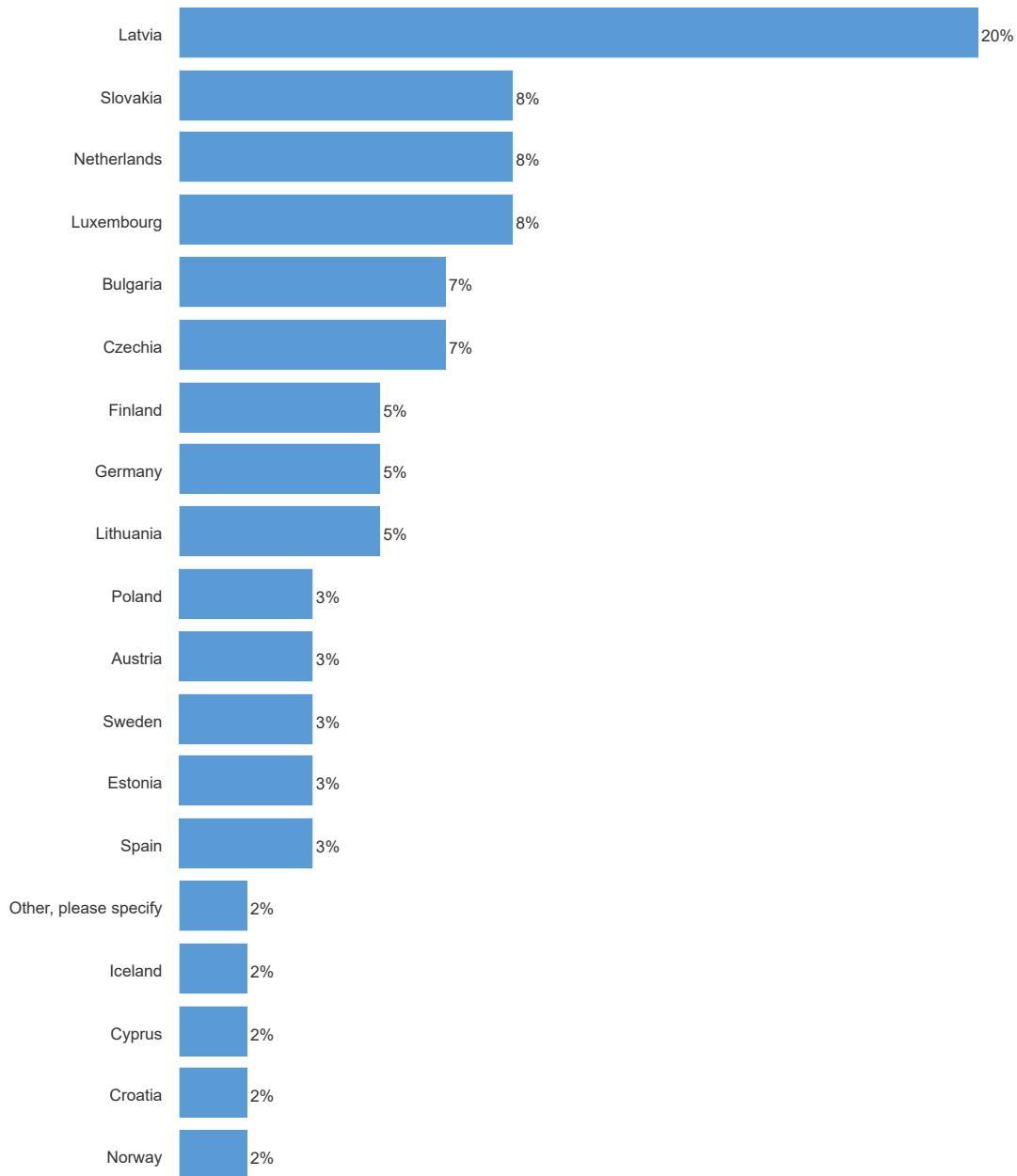


Response timeline



N 59

Which country are you located in?



N 59

For which authority do you work?

Ministry of Justice of the Republic of Bulgaria

13 days ago

Chancellery of the Prime Minister

16 days ago

Ministry of Justice of the Republic of Lithuania coordinated answers to this questionnaire. Replies were also provided by the Lithuanian Traffic Police Service and the Prosecutor General's Office of the Republic of Lithuania, they are incorporated here.

23 days ago

Federal Ministry of Transport and Digital Infrastructure

a month ago

Ministry of Justice

a month ago

Police

a month ago

Grand-Ducal Police

a month ago

Ministry of Transport

a month ago

Police

a month ago

Supreme Public Prosecutor's Office

a month ago

Centraal Justitiele Incassobureau (CJIB)

a month ago

Legal Register Centre

a month ago

SM

a month ago

police

a month ago

Ministry of Justice & Security

a month ago

Centraal Justitiele incassobureau (CJIB)

a month ago

P

a month ago

popo

a month ago

Ministry of Transport

a month ago

| | |
|--|--------------|
| Justice ministry | a month ago |
| C | a month ago |
| Ministry of Justice of the Republic of Bulgaria | a month ago |
| Ministry of Interior, Police Headquarters, Traffic Police Department | a month ago |
| aeto | a month ago |
| Road Traffic Safety Directorate | a month ago |
| Ministry of Justice of Slovak Republic | a month ago |
| Ministry of Justice | a month ago |
| MINISTRY OF INTERIOR. DIRECTORATE GENERAL FOR TRAFFIC | a month ago |
| Ministry of Justice and Security | a month ago |
| Ministry of Justice of Slovak Republic | a month ago |
| Mot | a month ago |
| a | a month ago |
| Ministry of Justice | a month ago |
| Ministry of Justice | a month ago |
| Ministry of Justice | a month ago |
| Ministry of Justice | 2 months ago |
| Road Traffic Safety Directorate | 2 months ago |
| Ministry of Justice | 2 months ago |
| addsa | |

2 months ago

Ministry of Justice

2 months ago

v

2 months ago

xx

2 months ago

ministry of interior

2 months ago

Ministry of Justice and Security

2 months ago

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2 months ago

Transport

2 months ago

d

2 months ago

Ministry of Justice

2 months ago

Ministry of Justice of Republic of Latvia

2 months ago

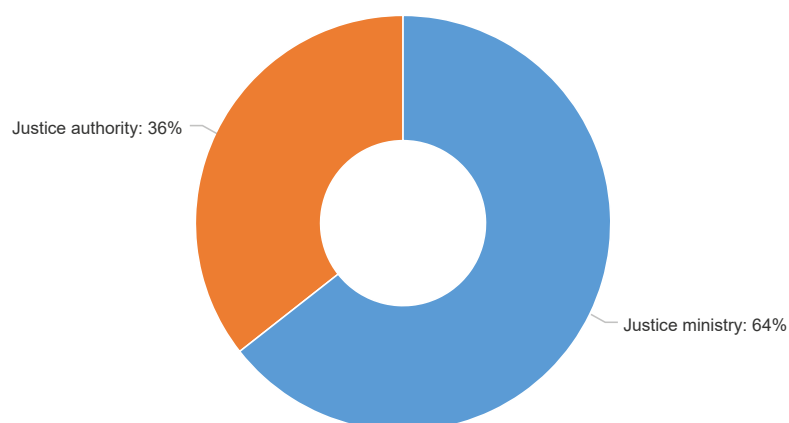
ministry

2 months ago

Part 1 of 2

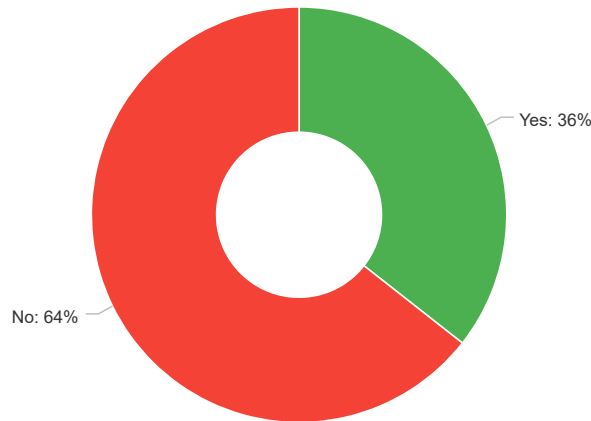
N 59

For which type of authority/ministry do you work?



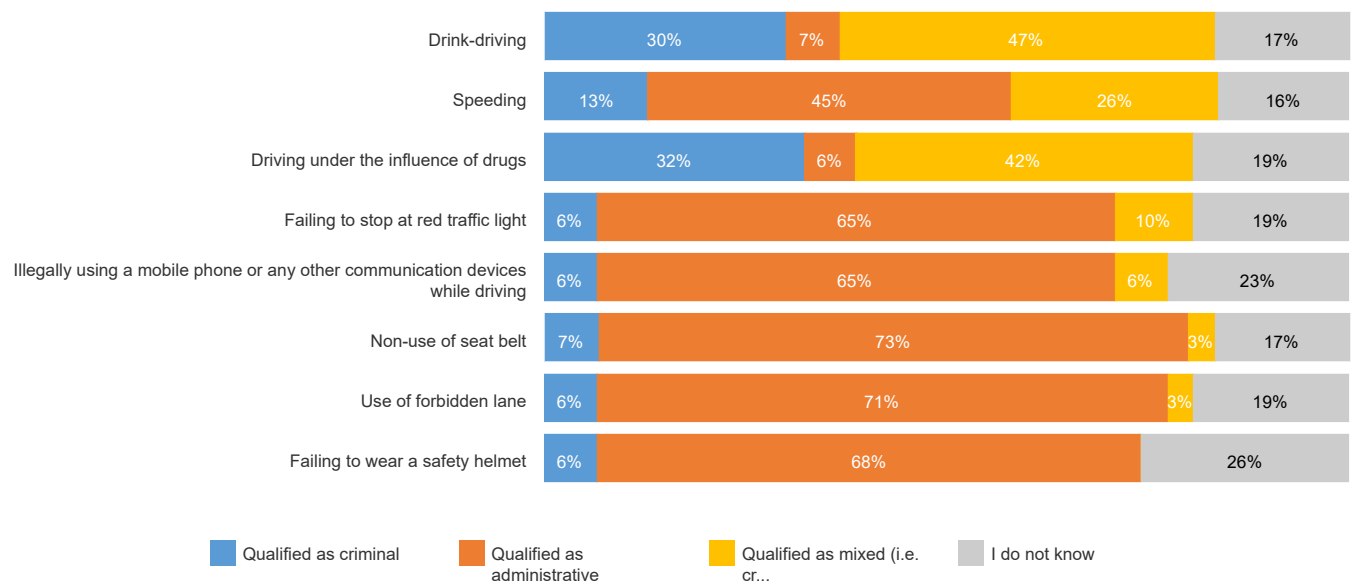
N 59

Do you have any statistics you could share on cases related to road traffic offences committed by foreign vehicles?



N 59

We would like to know more about the qualification of road traffic offences (criminal or administrative) in your country and about the minimum pecuniary sanctions (financial penalties) for these offences. Please complete the table below to the best of your knowledge.



| | N | Avg | Med | StDev |
|---|----|-----|-----|-------|
| Drink-driving | 30 | 2,2 | 2 | 1 |
| Speeding | 31 | 2,2 | 2 | 0,7 |
| Driving under the influence of drugs | 31 | 2,1 | 1 | 1 |
| Failing to stop at red traffic light | 31 | 2 | 2 | 0,5 |
| Illegally using a mobile phone or any other communication devices while driving | 31 | 2 | 2 | 0,4 |
| Non-use of seat belt | 30 | 2 | 2 | 0,4 |
| Use of forbidden lane | 31 | 2 | 2 | 0,4 |
| Failing to wear a safety helmet | 31 | 1,9 | 2 | 0,3 |

Please specify, in what circumstances the same offence is classified as administrative as well as

criminal

Considering Article 343b of the Criminal Code of the Republic of Bulgaria the threshold between administrative and criminal offense for drunk driving is 1.2 per thousand of alcohol concentration. Between 0.5-1.2 per thousand the offense is considered as an administrative one. (1) (Amended, SG No. 74/2015) A person who drives a motor vehicle with alcohol concentration in his blood exceeding 1.2 per thousand, ascertained by the established procedure, shall be punished by imprisonment from one to three years and a fine from BGN 200 to 1,000.

13 days ago

As regards drink-driving, it is an administrative offence, when the blood alcohol level does not exceed 1,5 per mille. When the blood alcohol level is equal to or exceeds 1,51 per mille it is considered as a criminal offence. It is also considered a criminal offence if the accused person evaded the intoxication test when he was diagnosed with signs of intoxication, or consumed alcohol after the accident until his circumstances were determined and he was found to be intoxicated with 1.51 and more per mille (Article 281(1) of the Criminal Code). Driving under the influence of alcohol, when the blood alcohol level is equal to or exceeds 0,41 per mille, where it results in an accident causing health impairment or death of another person or major property damage, - brings criminal liability (Article 281 of the Criminal Code). As regards driving under influence of drugs, when it does not result in consequences, it is an administrative offence. Where it results in an accident causing health impairment or death of another person or major property damage, it brings criminal liability.

23 days ago

e. g. Driving under the influence of drugs: The offence can be a traffic offence and a crime in regard of the criminal law at the same time

a month ago

The same offence is classified as criminal when a road user who intentionally or negligently breaches the Road Traffic Act or the Vehicle Act or the regulations or orders issued on the basis thereof, in a manner conducive to causing a hazard to others.

a month ago

Comment on the second and sixth questions: A minimum fine for committing a criminal offence is EUR 430. We would like to point out that according to first paragraph of Section 262 of the Criminal Law alcohol driving or driving under the influence of drugs is criminalised if a person does not have a driver's licence (the driver's licence has not been obtained according to the procedures or has been taken away). In such a case, a person may be sentenced to a fine in the amount of one and up to one thousand minimum monthly wages specified in the Republic of Latvia (the minimum monthly wages in the Republic of Latvia in 2020 is EUR 430). If a person who operating the vehicle while under the influence of alcohol or drugs does not have a driver's licence or has a driver's licence and as a result thereof slight or moderate bodily injury has been caused to the victim person may be sentenced to a fine in the amount of one and up to two thousand minimum monthly wages specified in the Republic of Latvia (Second and Third Paragraph of Section 262 of the Criminal Law). In the light of this, the criminal liability for driving a vehicle under the influence of alcohol or drugs arises only if the vehicle is driven by a person who does not have a driver's licence or if a person who operating the vehicle while under the influence of alcohol or drugs does not have a driver's licence or has a driver's licence and as a result thereof slight or moderate bodily injury has been caused to the victim.

a month ago

Speeding is classified as criminal offence when excess speed is at least 21 km/h.

a month ago

It depends on the amount of alcohol or drugs.

a month ago

regarding speeding: above a certain degree its considered criminal, minor offences are dealt with administrative.

a month ago

Speeding above a certain limit is considered criminal

a month ago

Speeding above a certain limit is considered as criminal

a month ago

for drink-driving and drug-driving the relevant factor is loss of driving ability (typically drink-driving with 1 ‰)

a month ago

Very simply put: if the driver is shown to have sat behind the wheel with more than 1 per mille of alcohol in his blood, he has committed the offence of driving in a state precluding the ability to drive. A condition precluding the ability to drive a motor vehicle, and thus the criminal liability of the driver, may occur even if the measured blood alcohol level is below 1.00 g / kg. In such a case, however, the burden of proof lies with the prosecution, and therefore with the administrative authority, to a greater extent, as it has to prove the condition of the driver precluding his ability to drive.

a month ago

Whether offence is classified as administrative or criminal depends on the consequences or the degree of intoxication.

a month ago

A severe speeding offense is classified as both as it lead to a suspension of the driving license as well as being registered in the offenders personal criminal register.

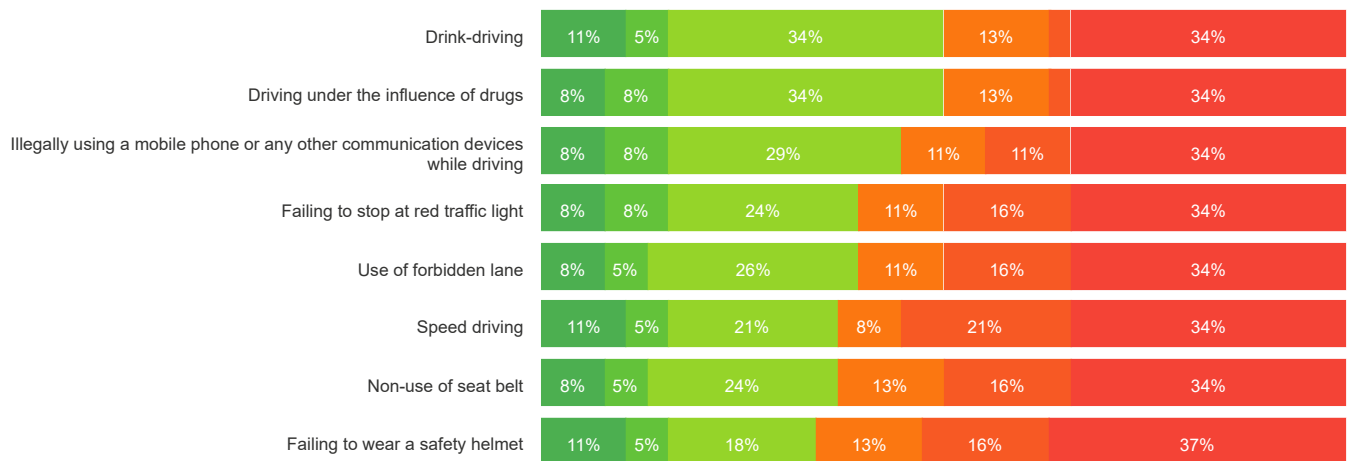
2 months ago

...

2 months ago

N 15

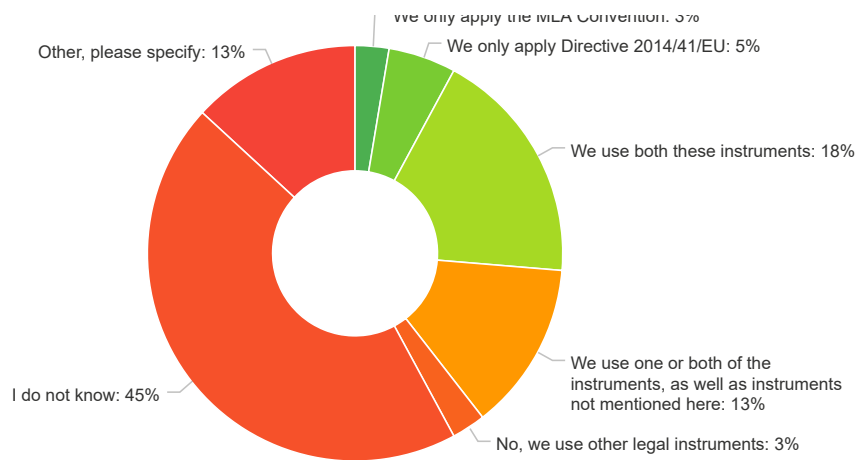
Could you please indicate the legal liability regime applied to road traffic offences? You can do so by ticking the appropriate box in the table below.



■ Vehicle owner/holder
■ Driver
■ Strict
■ Other (please define on the...)
■ I do not know

| | N | Avg | Med |
|---|----|-----|-----|
| Drink-driving | 38 | 3,9 | 3,5 |
| Driving under the influence of drugs | 38 | 4 | 3,5 |
| Illegally using a mobile phone or any other communication devices while driving | 38 | 4,1 | 4 |
| Failing to stop at red traffic light | 38 | 4,2 | 4,5 |
| Use of forbidden lane | 38 | 4,2 | 4,5 |
| Speed driving | 38 | 4,3 | 5 |
| Non-use of seat belt | 38 | 4,3 | 4,5 |
| Failing to wear a safety helmet | 38 | 4,3 | 5 |

During the investigation of a road traffic offence when the driver needs to be identified, do the national judicial and other competent authorities use the mechanisms laid down in the following frameworks: 1) Mutual assistance and recognition procedures in investigation of road traffic offences as provided under national legislation, implementing the Convention on Mutual Assistance in Criminal Matters ([MLA Convention](#)) 2) Directive 2014/41/EU regarding the European Investigation Order in Criminal Matters ([EIO](#))?



N 38

If any legal instrument for cooperation in investigation of road traffic offences (e.g. [MLA Convention](#) and [Directive 2014/41/EU](#)), are used in your country, what are the main difficulties, if any, encountered in applying these procedures? Specify also what type of assistance (e.g. assistance for sending and service of procedural documents) in relation to road traffic offences your authorities request under such instruments, and the qualification of road traffic offences (criminal or administrative) for which these instruments are used.

Examples of assistance which was requested by the Lithuanian authorities: Is any administrative or criminal liability applied in a foreign country for driving under influence of alcohol? What is the threshold in terms of amount of per milles of alcohol in blood in order to hold a person criminally liable?

23 days ago

With the entry into force of the Administrative Liability Act, from 01.07.2020, we can send the fine for the infringements provided for in Directive 2015/413 in accordance with COUNCIL FRAMEWORK DECISION 2005/214/JHA. Infringements committed in Directive 2015/413 for which criminal proceedings have been initiated shall be investigated in an expedited manner and the need for an MLA and an Order OF Directive 2014/41/EU is not necessary. This does not exclude the possibility of using both tools. As regards administrative irregularities committed by nationals of third countries, the MLA does not operate. The MLA is only happening with the consent of the prosecutor, the prosecutor may disagree.

a month ago

With the entry into force of the Administrative Liability Act, from 01.07.2020, we can send the fine for the infringements provided for in Directive 2015/413 in accordance with COUNCIL FRAMEWORK DECISION 2005/214/JHA. Infringements committed in Directive 2015/413 for which criminal proceedings have been initiated shall be investigated in an expedited manner and the need for an MLA and an Order OF Directive 2014/41/EU is not necessary. This does not exclude the possibility of using both tools. As regards administrative irregularities committed by nationals of third countries, the MLA does not operate.

a month ago

MLA notiek tikai ar prokurora saskaņojumu. Prokurors var nepiekrīst.

a month ago

m

2 months ago

We would use the MLA convention mainly for identifying offenders. However, it is not commonly used in the investigation of misdemeanors such as minor traffic offences, and would mainly be used when dealing with DUI offences, whether alcohol or drug related.

2 months ago

- 2 months ago

mmmmmmmmmm 2 months ago

t 2 months ago

N 9

Do you consider the current legal framework for mutual assistance in investigations as adequate for road traffic offences? If not, explain why.

Yes. 23 days ago

yes a month ago

m 2 months ago

It is considered to be adequate. 2 months ago

- 2 months ago

mmmmmmmmmmmmmmmm 2 months ago

t 2 months ago

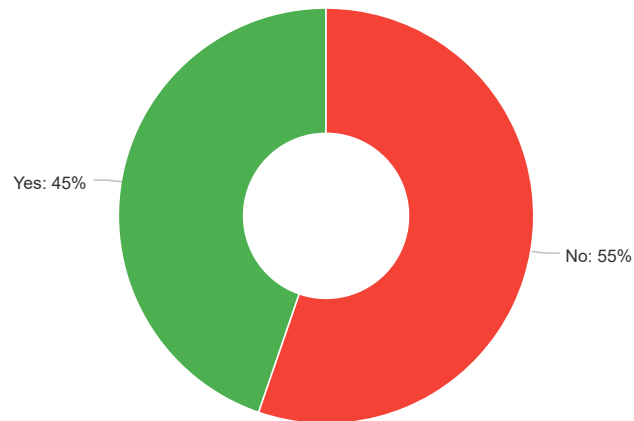
N 7

If you use other legal instruments than the European Investigation Order ([EIO](#)) and the [MLA Convention](#), under what legal provisions do your national judicial and other competent authorities cooperate with authorities in other Member States in relation to road traffic offences?

t 2 months ago

N 1

Does your country have a system of certified email?



N 38

Could you please specify the system of certified email your country has?

Bulgaria uses a Secure electronic delivery system, which gives the opportunity for the administrations, courts and physical and legal persons to communicate with the authorities. The system requires a qualified electronic signature or electronic identity and provides: - authentication of the time of sending of documents and messages by the sender; - authentication of the time of receipt of documents and messages by the recipient; - security and protection of communication; - burden of proof of communication; - guarantee of authenticity of the documents exchanged.

13 days ago

YES – DE-Mail: The sender-confirmed DE-Mail is legally recognized as a secure means of transmission. An email sent via DE-Mail is provided with a qualified signature. DE-Mail accounts are currently available at several accredited service providers.

a month ago

We use Suomi.fi -system. Suomi.fi messages is a secure way to communicate with public administration and other organisations using the service. When you activate the service, you will get messages electronically from the e-services which use Suomi.fi Messages.

a month ago

No.

a month ago

We have certificate enabling to sign electronically documents as well as the e-mail, which should certify that the document is approved or the e-mail is send by the person specified in the certificate.

a month ago

mmmmmmmm

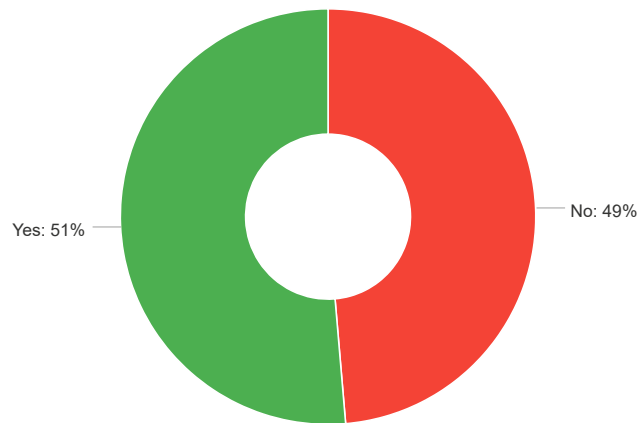
2 months ago

No, I am not an expert... We can send an e-mail which is certified as to certify the authenticity of its sender, so I believe should be accepted in compliance with e-IDAS Regulation by other authorities in the EU.

2 months ago

N 7

If your country makes recourse to cooperation in investigation on road traffic offences with other countries, under the European Inforcement Order (EIO), the [MLA Convention](#) or any other legal instrument, is the exchange of information electronic/digitised?



N 37

Could you please specify how this exchange of information is electronic/digitised?

Sometimes information is received by mail, e-mail, also in CD, USB or other types of data storage devices.

23 days ago

YES, partly. Germany is exchanging electronic EIOs between North Rhine-Westphalia and the Netherlands and is preparing their EU-wide exchange via e-CODEX using eEDES. The electronic exchange of financial penalties via e-CODEX is being piloted.

a month ago

Throw Eucaris

a month ago

Paper documents are physically signed, the document is scanned and electronically signed. If necessary, it is also being sent in paper format.

a month ago

paper

a month ago

mm

2 months ago

nn

2 months ago

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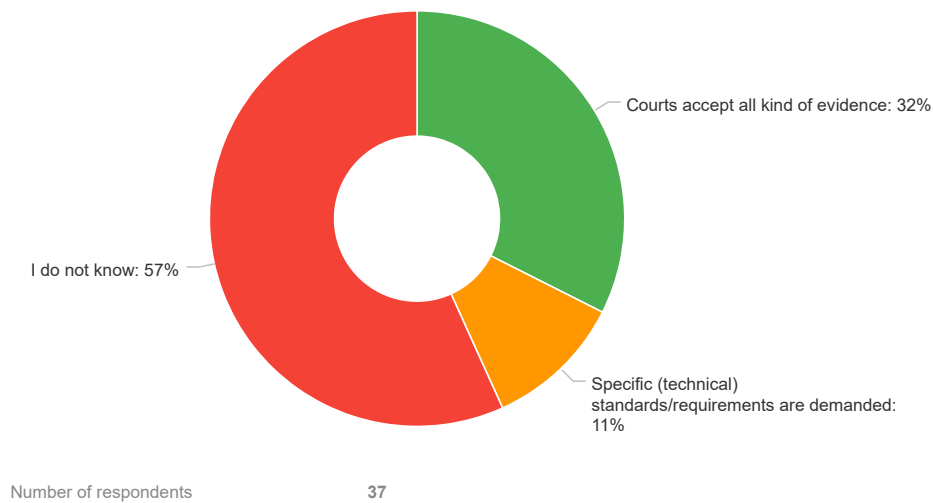
2 months ago

t

2 months ago

N 9

Do your national courts accept all kind of evidence or do they require specific (technical) standards/requirements for evidence (e.g. type of camera equipment, type of photo, ...) produced by automatic and/or manual checking equipment?



Could you please explain or provide examples of the demanded specific (technical) standards/requirements?

Driver must be reliably identifiable from the photo.

a month ago

-

2 months ago

N 2

Please list the authorities of issuing decisions for cross-border enforcement of financial penalties under the [Framework Decision 2005/214](#) for financial penalties

The competent authority for transmission of decisions imposing financial penalties, passed by a court in the Republic of Bulgaria shall be the Regional or District Court which has ruled the order or decision at first instance. The competent authority for transmission of penal decrees passed by administrative authorities in the Republic of Bulgaria shall be the National Revenue Agency.

13 days ago

District courts are, according to Article 2(1) of the Framework Decision, the competent authorities of the Republic of Lithuania as the executing State to recognise and organise the enforcement of the financial sanctions transmitted by other Member States of the European Union. Courts of general jurisdiction are, according to Article 2(1) of the Framework Decision, the competent authorities of the Republic of Lithuania as the issuing State.

23 days ago

-> All public prosecutor's offices and all administrative authorities, responsible for issuing a decision in the sense of Article 1(a)(iii) of FD 2005/214 ("Bußgeldbehörden"). As there are so many different authorities, it is impossible to list them.

a month ago

In accordance with Article 2 of the Framework Decision: the competent authority, whether Sweden is the issuing state or the executing state, is the Swedish Enforcement Authority. A police officer or a prosecutor can in some cases issue an order to pay a financial penalty to a person. If the person approves the order, it is considered a final judgment. If the order is not approved the prosecutor will have to bring it before the court in order to obtain a judgement, in the same way as in cases where no order was issued.

a month ago

regarding traffic offences, it shall be performed by the State Police of Latvia.

a month ago

The court which imposed the financial penalty.

a month ago

ministry of justice and Security and Public Prosecutor Noord Nederland

a month ago

Police, Prosecutor, Courts, Customs, Border Guard

a month ago

Ministry of Justice and Security

a month ago

The competent authorities with regard to the recognition of decisions on the enforcement of financial penalties shall be the provincial courts and Sofia City Court. With regard to compulsory enforcement, the competent authority shall be the National Revenue Agency. The certificate, together with the decision on the enforcement of financial penalties, should be sent to the provincial court at the person's place of domicile or habitual residence – in the case of legal persons, it should be sent to the provincial court at the place of the seat, administrative address or address used for correspondence on the territory of the Republic of Bulgaria. In cases where the person's domicile or habitual residence, or, in the case of legal persons, the seat, administrative address or address used for correspondence on the territory of the Republic of Bulgaria is not indicated on the certificate, the decision on the enforcement of financial penalties shall be recognised by the provincial court at the address of the property indicated on the certificate or at the place of the source of the person concerned's income. If two or more decisions on the enforcement of financial penalties issued in connection with one and the same person or property are sent to two different courts for recognition at the same time, the court competent to pronounce on all decisions shall be the court which first initiated proceedings. If the person's place of domicile or habitual residence – or, in the case of legal persons, the seat, administrative address or address used for correspondence on the territory of the Republic of Bulgaria – cannot be established, the competent court for examining the decision shall be Sofia City Court.

a month ago

The issuing authority in relation to FD 2005/214 is Court which issued decision imposing the financial penalty.

a month ago

courts

a month ago

mm

2 months ago

m

2 months ago

Iceland has not implemented the framework.

2 months ago

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2 months ago

c

2 months ago

N 17

Is there a central authority in your country? Please, describe the role of that body

In the events where the establishing of direct contact between the competent authorities is not possible, the authority, responsible for the administrative transmission and receiving of confiscation or seizure orders and decisions imposing financial penalties in the Republic of Bulgaria shall be the Ministry of Justice

13 days ago

Ministry of Justice of the Republic of Lithuania is the central authority responsible for the administrative transmission and receipt of decisions and for assistance to competent authorities only when it is impossible to identify which authority is the executing competent authority.

23 days ago

The Federal Office of Justice (Bundesamt für Justiz/BfJ) has been designated as central authority for Germany for the authorisation of incoming and outgoing requests under the Framework Decision on financial penalties (Article 2(1) of the FD 2005/214). Incoming requests: The BfJ decides upon the recognition/non-recognition of foreign decisions transferred to Germany on the basis of FD 2005/214. The BfJ is also competent for the enforcement procedure as long as no court has been involved in the recognition procedure, which is the case in most of the files. The BfJ is responsible for the communication with the issuing State. Outgoing requests: The BfJ examines if the documents provided by the public prosecutor's offices and the administrative authorities are in line with the requirements of FD 2005/214. The BfJ also provides for the translation of the certificate. It then transmits the request to the competent authority in the executing State. If any questions during the recognition and execution procedure arise, the BfJ is responsible for the communication with the executing State.

a month ago

Sweden has not notified any central authority.

a month ago

Yes, Ministry of Justice of the Republic of Latvia.

a month ago

The Ministry of Justice. Its role is only to provide assistance to courts.

a month ago

Yes, CJIB. Outgoing: Checks if the financial penalty is suited to be transferred under the FD. Incoming: Tests the request against the applicable law and advises the PPO about recognition. CA is also first point of contact regarding all questions in relation tot FD 2005/214/JBZ (incoming / outgoing) for EU member-states and organisations within the Netherlands

a month ago

No

a month ago

Yes, Central Judicial Collection Agency. The CJIB is responsible for collecting a range of different fines, such as traffic fines and punitive orders. It also plays a key enforcement role in decisions relating to criminal matters, such as court rulings or decisions made by one of the Public Prosecution Service's public prosecutors. Please visit the website of EJN for more info.

a month ago

The central authority in the Republic of Bulgaria – in cases where direct contact between the competent authorities is not possible, the authority responsible for the administrative transmission and receipt of decisions on the enforcement of financial penalties in the Republic of Bulgaria, shall be the Ministry of Justice.

a month ago

The central authority in accordance to FD 2005/214 is Ministry of Justice of Slovak Republic.

a month ago

Ministry of Justice - only methodical support to courts.

a month ago

kk

2 months ago

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2 months ago

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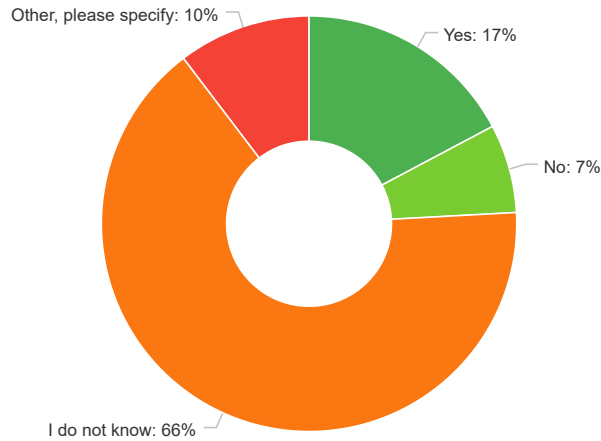
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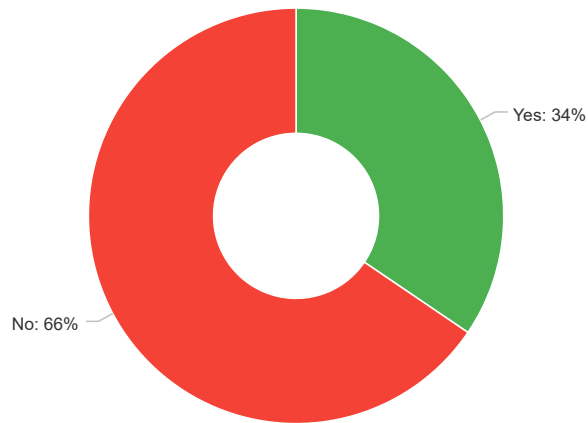
N 16

Does the FD authority have any contact with the National Contact Point identified for the purpose of road traffic enforcement purposes under the [CBE Directive](#)?



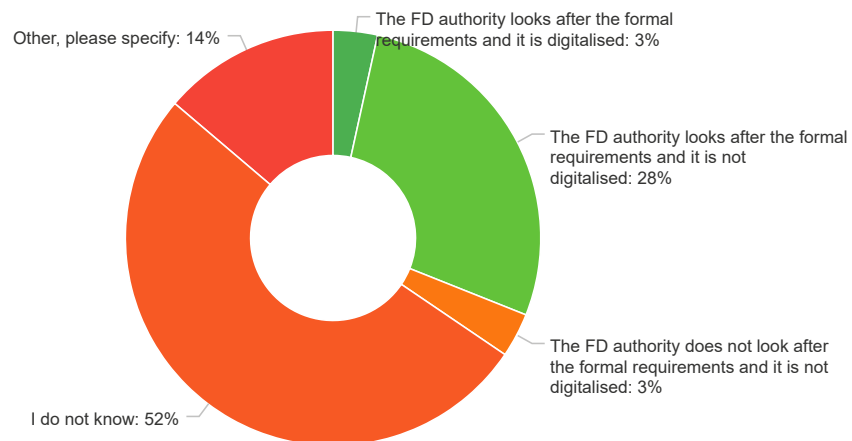
N 29

Is the communication between the FD authority/ies and national judicial and administrative authorities digitised?



N 29

Is the FD authority responsible for following up with the formal requirements of the transmission of penalty decisions to the foreign authorities? Is the transmission of the penalty decision digitised?



N 29

How does the FD authority assess if the offender has property or income? Is this relevant for the enforcement of road traffic offences?

During the proceedings of the enforcement of the financial penalty, it is the competence of bailiffs to establish whether a person has property or income.

23 days ago

Enforcement is carried out by the enforcement department of the BfJ or – if a court has been involved in the recognition procedure - by a public prosecutor's office or a youth judge. If the convicted person is unwilling to pay the enforcement authority will use the means of enforcement. If this is unsuccessful because the person concerned is penniless, German law does not permit the imposition of alternative custodial sentences. The person concerned can refer to his current income and asset situation during the ongoing proceedings. The responsible bailiff is often aware of this situation ex officio. There is an official register for insolvencies. These general rules apply to road traffic offences without any particularity.

a month ago

I do not know.

a month ago

The evaluation shall be carried out by sworn bailiffs.

a month ago

I do not know.

a month ago

Not relevant for traffic offences

a month ago

Not relevant.

a month ago

No this is not relevant for enforcement of road traffic offences in accordance of FD 2005/214 as Court which is competent to recognize and execute the financial penalty is bound by certificate and the property specified in it.

a month ago

oilj

2 months ago

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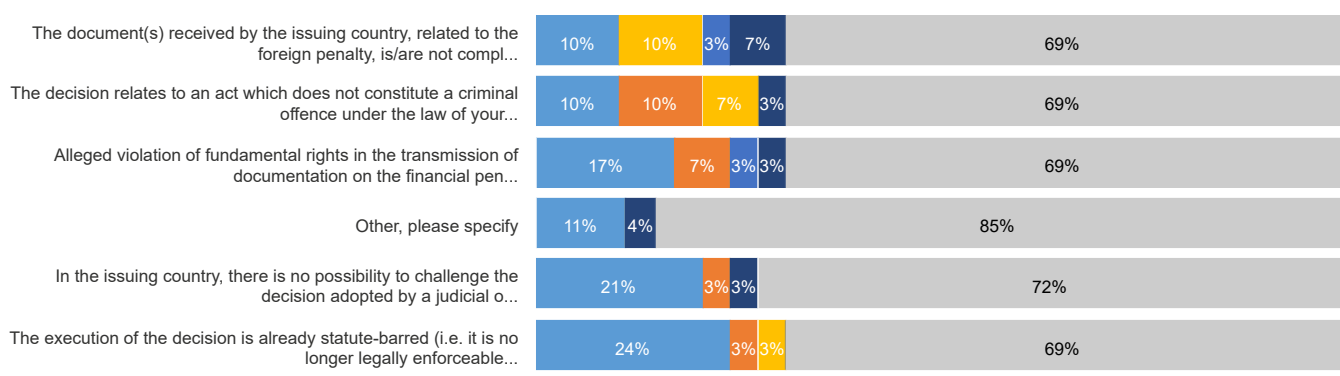
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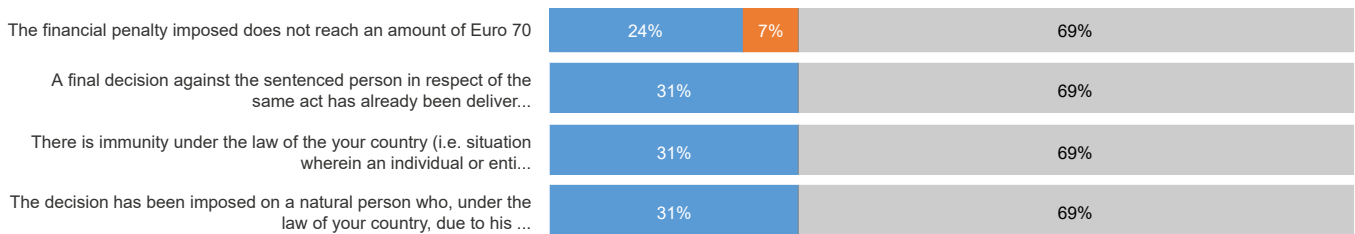
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2 months ago

N 11

Please score the reasons for rejection by the FD authority/ies of mutual recognition of penalty decisions transmitted by another Member State (i.e. reasons why a foreign decision on the imposition of a road traffic penalty is not internally recognised) from 1 – 5, with 1 having the lowest frequency and 5 having the highest frequency, based on their occurrence as reasons for non-mutual recognition





| | N | Avg | Med | StDev |
|--|----|-----|-----|-------|
| The document(s) received by the issuing country, related to the foreign penalty, is/are not complete or not correct and, as a consequence, cannot be executed in your country | 29 | 2,9 | 0 | 1,6 |
| The decision relates to an act which does not constitute a criminal offence under the law of your country | 29 | 2,2 | 0 | 1,3 |
| Alleged violation of fundamental rights in the transmission of documentation on the financial penalty, e.g. the potential offender was not adequately informed of his/her rights, the potential offender could not appear personally, or the potential offender could not understand the information about t | 29 | 2 | 0 | 1,5 |
| Other, please specify | 27 | 2 | 0 | 2 |
| In the issuing country, there is no possibility to challenge the decision adopted by a judicial or administrative authority before an independent body, where a series of specific legal guarantees apply. | 29 | 1,6 | 0 | 1,4 |
| The execution of the decision is already statute-barred (i.e. it is no longer legally enforceable as a set period of time has lapsed) according to the law of your country | 29 | 1,3 | 0 | 0,7 |
| The financial penalty imposed does not reach an amount of Euro 70 | 29 | 1,2 | 0 | 0,4 |
| A final decision against the sentenced person in respect of the same act has already been delivered in your country or in another Member State (ne bis in idem) | 29 | 1 | 0 | 0 |
| There is immunity under the law of the your country (i.e. situation wherein an individual or entity cannot be held liable for a violation of the law), which makes it impossible to execute the decision | 29 | 1 | 0 | 0 |
| The decision has been imposed on a natural person who, under the law of your country, due to his or her age could not yet have been held criminally liable for the act in respect of which the decision was passed | 29 | 1 | 0 | 0 |

Incoming penalty decisions

| | | |
|---------------------|--|--------------|
| Number of decisions | 700 | 13 days ago |
| Number of decisions | 10.569 in 2017, 10.346 in 2018, 10.153 in 2019 | a month ago |
| Number of decisions | 2019: 1340 2020: 1740 (till 13/12/20) | a month ago |
| Number of decisions | 140 | a month ago |
| Number of decisions | zjurt7iurzikj | a month ago |
| Number of decisions | 1 | 2 months ago |
| | | N 6 |

Outgoing penalty decisions

| | | |
|---------------------|--|--------------|
| Number of decisions | 7.263 in 2017, 8.544 in 2018, 12.083 in 2019 | a month ago |
| Number of decisions | 2019: 43.023 2020: 34.492 (till 13/12/20) | a month ago |
| Number of decisions | 130 | a month ago |
| Number of decisions | fugkuhkl | a month ago |
| Number of decisions | 1 | 2 months ago |
| | | N 5 |

Do the fines paid obtained from the enforcement of penalty decisions always accrue the executing FD authority or are there any bilateral/multilateral arrangements between the issuing and the issuing state?

It depends on the particular case; there are cases where the issuing authority requests the fine to be divided between the issuing and executing Member States. It should also be noted that in some cases the offenders prefer to pay the fine directly to the issuing authority.

13 days ago

As far as we are informed, they accrue the executing FD authority.

23 days ago

Generally, monies obtained from the enforcement of decisions remain in Germany. In relation to the Netherlands, there is an agreement that victim compensations are transferred back to the Netherlands if the Netherlands explicitly ask for such a procedure at the time they transmit the request.

a month ago

I do not know.

a month ago

there is no practice yet.

a month ago

I do not know.

a month ago

the traffic fines always accrue to the executing state. Only in decisions imposed by court we rarely ask for another arrangement.

a month ago

Multilateral arrangement between Nordic Countries (Sweden, Finland, Denmark, Norway, Iceland).

a month ago

By default the sum paid from enforcement of penalties are property of Slovak Republic, however bilateral/multilateral arrangements between the issuing and the executing state are possible. There are no such agreements arranged to this day.

a month ago

There is a legal possibility to share the financial means from the executed decision, however the MoJ is not aware about the cases where in cases of traffic offences the money would be shared. The sum of money is much lower than the costs of judicial proceedings, which makes the enforcement of traffic offences by using the FWD 2005/214 too expensive matter. Further absurd effects of this system - see answer below.

a month ago

khuoh

2 months ago

m

2 months ago

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2 months ago

c

2 months ago

N 14

What is your experience in applying the procedure based on [Framework Decision 2005/214](#)? Please describe briefly, incl. your role in the process, and outline the positive and negative aspects of your experience.

We consider to be working properly and to be very streamlined by now. The most important effect is the the road traffic offenses are not left unpunished no matter where they were committed.

13 days ago

In our opinion, the Framework Decision 2005/214 is an effective tool which facilitates the enforcement of financial penalties. As a central authority, the Ministry of Justice, notes, that the proceedings would be faster if the competent institutions of other Member States would apply directly to the competent executing authority in Lithuania (court), not Ministry as a central authority. The competent court may be found using EJN Atlas tool.

23 days ago

The BfJ is the central authority competent under Article 2(1) of the FD 2005/214 when Germany is the issuing State or the executing State. General assessment: With the adoption of FD 2005/214, the European legislator has created a well-functioning instrument for the cross-border enforcement of financial penalties, especially for road traffic offences. Positive aspects: - Success ratio: about 58 to 61 %. - The development of the five standard forms has marked a big improvement in the communication between the executing and the issuing State. - Very close cooperation with several member states on the basis of FD 2005/214. - The cooperation between Germany and the Netherlands on the basis of e-Codex is developing. Netherlands are sending more and more cases to Germany via e-Codex. Negative aspects: Practice shows that the main obstacles and challenges in cross-border cases regarding road traffic offences do not lie within FD 2005/214 but in the investigation proceedings that precede FD 2005/214 and that lead to a final decision: - identifying the driver - service of the decision - safeguarding the rights of the person to be heard and to appeal the decision and - translation of the decision.

a month ago

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a month ago

there is no practice regarding the Framework 2015/413.

a month ago

My task is to create a methodology for prosecutors who take part in recognition and execution proceedings. I should receive documents relating to every recognition and execution proceedings. In my experience, administrative authorities have a different 'culture' of work and for many of them it is too difficult to fill in the certificate properly and to respect all the procedural requirements. Another problem is the service of a decision imposing a financial penalty to the person concerned. Quite often there is no proof of service and the issuing state applies the presumption or fiction of service.

a month ago

The instrument does provide with a higher rate of paid fines, so it meets its goal. However, not every country interprets the FD the same way or it is implemented differently in their national law. Also, knowledge of each others national law and process helps in the use of the FD. Not every country has a central authority and that makes that not even in the same country different authorities will apply the FD the same. There is also the language barrier.

a month ago

The competent authority in receiving and sending the enforcement requests. Negative: Manual work. Positive: The forms provided by the EJM.

a month ago

Par direktīvas 2015/413 pārkāpumiem vēl nav prakses.

a month ago

As the Ministry of Justice of Slovak republic, we are central authority for receiving the request based on Framework Decision 2005/214 which after the assessment of requirements of such request, are sent to competent Court.

a month ago

We really strongly advise to regulate the enforcement of the traffic offences penalties OUT of the system of judicial cooperation in criminal matters. As pointed above, it is in fact too costly matter, moreover really heavily overburdening the criminal courts. All legal procedures and guarantees of the criminal proceedings have to be respected in the proceedings which concerns minor administrative offences (when compared to the criminal ones). The system is moreover very unbalanced from the beginning of its existence. As stated above, Czechia is only able to execute the traffic offences from abroad (thanks to the definition of the 'decision' in Art. 1, letter a), para ii)). It is used by the countries which have a so called system of administrative criminal law and where the criminal court can review the administrative decisions. Such a system does not exist in Czechia and as a result we cannot send administrative decision to be recognized and enforced in other EU Member State under the FWD 2005/214. To sum up, we have no good experience with this system of enforcement administrative sanctions under FWD 2005/214. The administrative authorities are very often not able to even rightly and completely fill in the relevant certificate and what is more important to prove that all the necessary requirements of the criminal proceedings have been respected in order the decision could be recognized and executed in Czechia (translation of the decision, strict delivery requirements, etc).

a month ago

kjgh

2 months ago

m

2 months ago

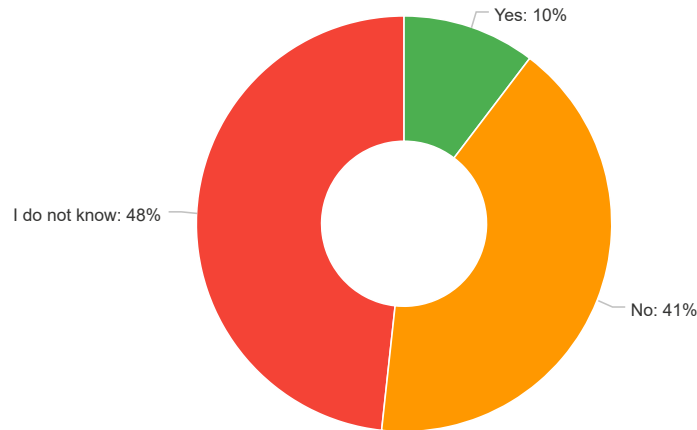
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2 months ago

c

2 months ago
N 15

Does your country make use of private sector debt collection agencies to recover the fines in cross-border cases?



N 29

Which legal framework of your country sets out the methods that can be used by debt collection agencies to conduct their work? (please provide legal the reference)

-

2 months ago

c

2 months ago

N 2

What type of agency is used for collecting the fines/payments?

Zvērināti tiesu izpildītāji.

a month ago

-

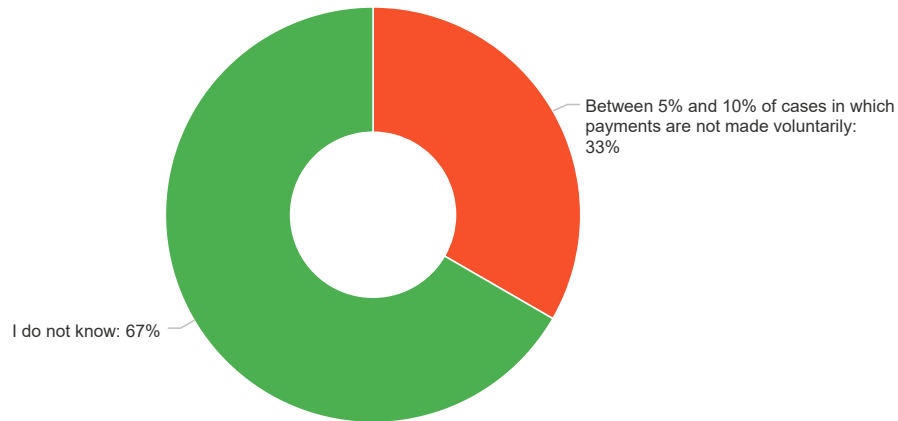
2 months ago

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2 months ago

N 3

Could you please indicate an estimate of what is the share of offences committed by foreign vehicles/non-residents which are followed up through the recourse to debt collection agencies?



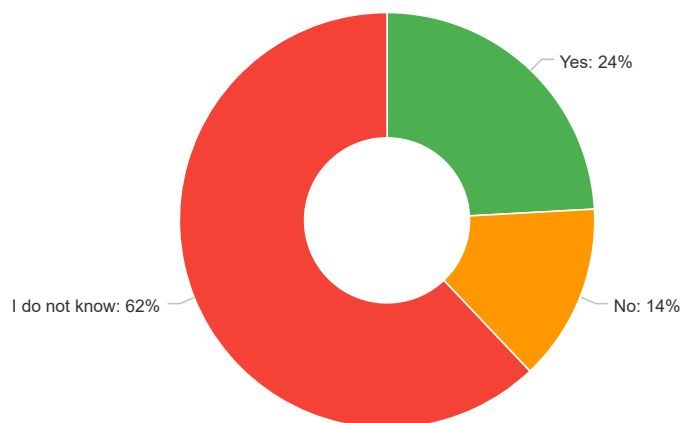
N 3

Which language is used when providing information relating to the debt recovery proceedings involving non-residents? (multiple answers are possible)

| | Count | % of responses | % |
|---|-------|----------------|-----|
| The official language(s) of your country | 2 | | 67% |
| The official language(s) of the country in which the offender resides | 1 | | 33% |
| | 3 | | |










N 3

Does your country have any bilateral and/or multilateral agreement(s) with other EU Member States that facilitate the enforcement of sanctions for road traffic offences committed by foreign registered vehicles:



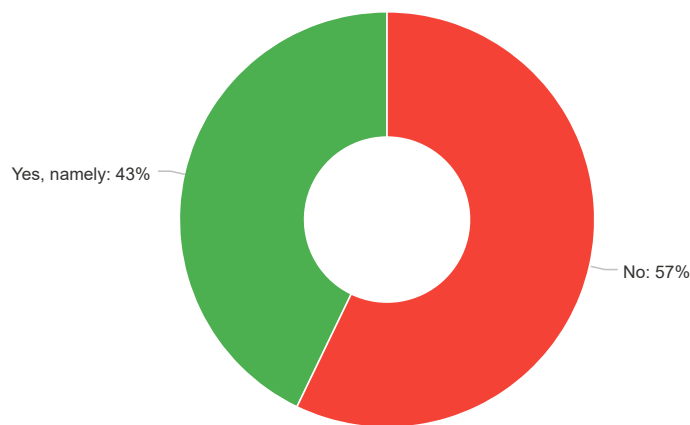
N 29

With which Member State(s) has your country entered into this kind of agreement(s) on enforcement of sanctions for road traffic offences?

| | Count | % of responses | % |
|-------------|-------|--|-----|
| Austria | 4 |  | 57% |
| Belgium | 1 |  | 14% |
| Croatia | 2 |  | 29% |
| Denmark | 1 |  | 14% |
| Finland | 1 |  | 14% |
| Germany | 1 |  | 14% |
| Hungary | 2 |  | 29% |
| Norway | 1 |  | 14% |
| Switzerland | 2 |  | 29% |
| | 15 | | |

N 7

Do the bilateral/multilateral agreement(s) cover more and/or a different set of offences than the CBE directive?



N 7

In your practice of enforcing sanctions for road traffic offenses, to what extent do you rely on the bilateral and/or multilateral agreement(s) and to what extent do you rely EU law only?

We fully rely on the bilateral agreement.

13 days ago

Except for administrative offences with Austria, EU law only in the vast majority of cases.

a month ago

I do not know.

a month ago

only on agreement because Swiss is no EU member

a month ago

N 4

Are there additional benefits to these agreements for you in practice, compared to relying on EU law only? You may structure your answer by type of agreement or country.

We do not consider there are any additional benefits.

13 days ago

No.

a month ago

I do not know.

a month ago

it covers more offences than the CBE

a month ago

No, contrary, there is no digitized process

a month ago

N 5

Does your country have any plans or ongoing discussions with Member States to increase the number of bilateral/multilateral agreements, and if so, with which Member States?

Not for the moment.

13 days ago

No.

23 days ago

No.

a month ago

Not to my knowledge.

a month ago

I don't know.

a month ago

I do not know.

a month ago

-

a month ago

Yes, there where the cbe does not cover, for example parking offences or environmental zones

a month ago

We have no requests from domestic or foreign authorities to initiate such negotiations.

a month ago

This would fall under the responsibility of Ministry of Transportation or Ministry of Interior.

a month ago

kjhg

2 months ago

mmm

2 months ago

-





2 months ago

v

2 months ago

N 14

If any, which of the following possible reasons (likely) motivate your country to sign the above bilateral/multilateral agreements

| | Count | % of responses | % |
|--|-------|---|-----|
| Coverage of a wider range of road traffic offences | 8 |  | 30% |
| Reduced technical and legal obstacles in cross-border information exchange | 6 |  | 22% |
| More efficient cross-border enforcement of sanctions | 11 |  | 41% |
| Other, please clarify | 11 |  | 41% |
| | 36 | | |

N 27

a) on average per case

Time (range in hours/mins ; not applicable) not applicable

13 days ago

Time (range in hours/mins ; not applicable) about one hour

a month ago

Time (range in hours/mins ; not applicable) 48 hours (accelerated procedure);

a month ago

Time (range in hours/mins ; not applicable) hjfghjfhj

a month ago

Time (range in hours/mins ; not applicable) 48h (paātrinātais process)

a month ago

Time (range in hours/mins ; not applicable) 30

a month ago

N 6

b) when only relying on bilateral/multilateral agreements (where applicable)

Time (range in hours/mins ; not applicable) 5 minutes

13 days ago

Time (range in hours/mins ; not applicable) fghjfhj

a month ago

Time (range in hours/mins ; not applicable) N/A

a month ago

N 3

c) when relying on EU law only (CBE Directive, MLA Convention, EIO)

Time (range in hours/mins ; not applicable) 5 minutes

13 days ago

Time (range in hours/mins ; not applicable) about one hour

a month ago

Time (range in hours/mins ; not applicable) hgjfghj

a month ago

Time (range in hours/mins ; not applicable) 10

a month ago

N 4

a) on average per case

Time (range in hours/mins ; not applicable) not applicable

13 days ago

Time (range in hours/mins ; not applicable) 30 minutes

a month ago

Time (range in hours/mins ; not applicable) no such practice

a month ago

Time (range in hours/mins ; not applicable) ghjffghj

a month ago

Time (range in hours/mins ; not applicable) nav prakses.

a month ago

Time (range in hours/mins ; not applicable) N/A

a month ago

N 6

b) when only relying on bilateral/multilateral agreements (where applicable)

Time (range in hours/mins ; not applicable) 1 month

13 days ago

Time (range in hours/mins ; not applicable) gjhfhj

a month ago

Time (range in hours/mins ; not applicable) N/A

a month ago

N 3

c) when relying on EU law only ([Framework Decision 2005/214](#))

Time (range in hours/mins ; not applicable) 2 months

13 days ago

Time (range in hours/mins ; not applicable) It is hard to assess. There are dozens of courts deciding on recognition and execution.

a month ago

Time (range in hours/mins ; not applicable) ghjifgk

a month ago

Time (range in hours/mins ; not applicable) N/A

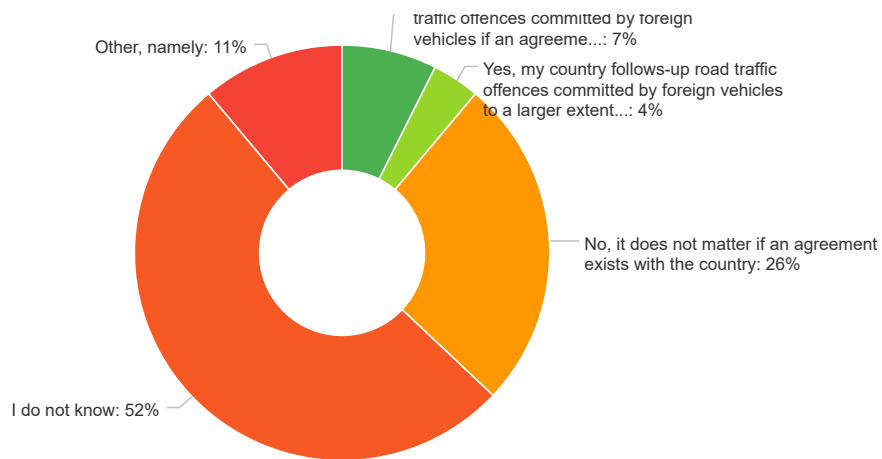
a month ago

Time (range in hours/mins ; not applicable) 2-3 months

a month ago

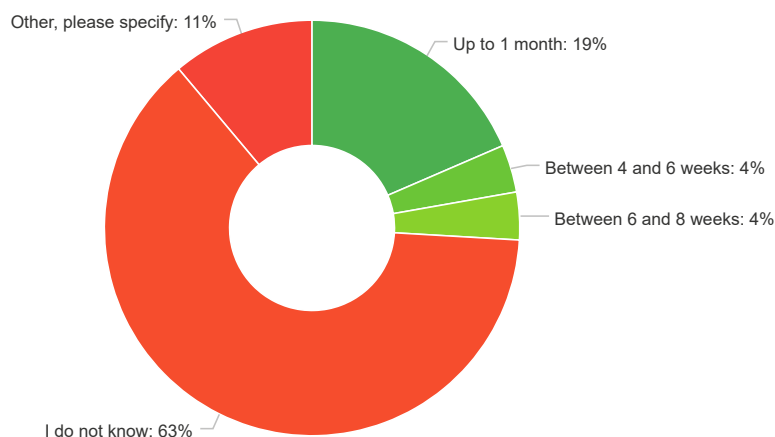
N 5

Are you more likely to follow-up offences (enforcement), which are committed by foreign-registered vehicles), if you are aware that a bilateral or multilateral agreement exists with the country of the vehicle registration?



N 27

In your current practice, how long does the follow-up investigation of a road traffic offence covered by the [CBE Directive](#) take approximately?



N 27

What is the time typically spent per case by your authority on the follow-up investigation of road traffic offences covered by the [CBE Directive](#)? (number of working hours spent per case)

Approximately 30 minutes per case.

13 days ago

Usually it does not take much time.

23 days ago

No statistical information.

a month ago

I do not know.

a month ago

one hour

a month ago

1-8 hours, depending on the violation

a month ago

I do not know.

a month ago

do not know

a month ago

do not know

a month ago

1-8 h (atkarīgs no pārkāpuma)

a month ago

5 hours

a month ago

The Ministry of Justice of Slovak Republic is not competent authority regarding the CBE Directive.

a month ago

This would fall under the responsibility of Ministry of Transportation or Ministry of Interior.

a month ago

lkuh

2 months ago

-

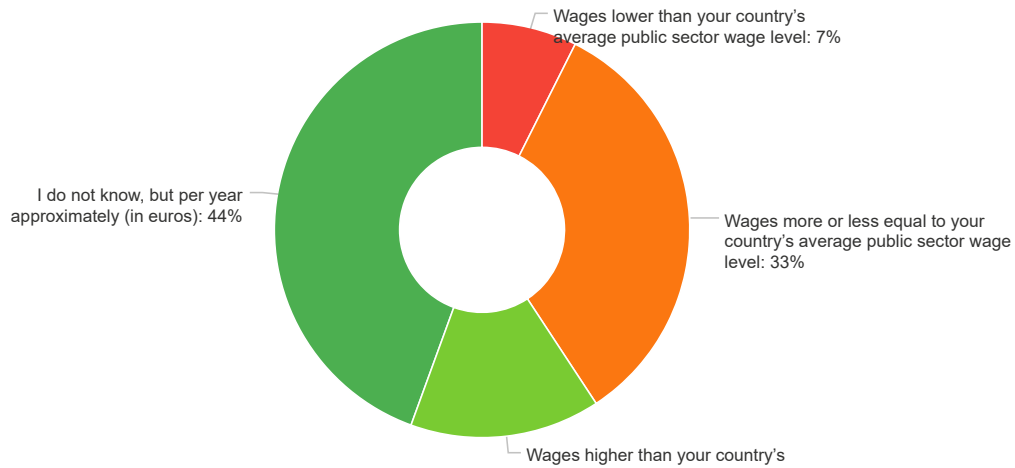
2 months ago

n

2 months ago

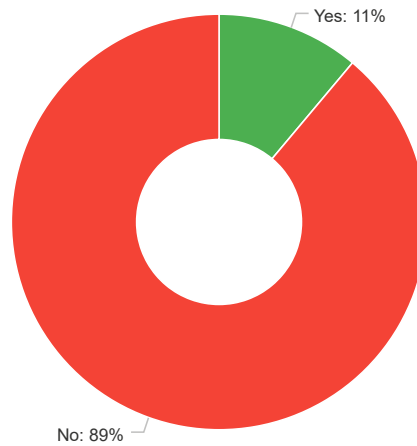
N 16

What is the approximate wage level of the officials dealing with the follow-up investigation per year?



N 27

Would you like to include a link or upload a document with an overview of wages in the public sector for Full Time Equivalent (FTEs) of your country?



N 27

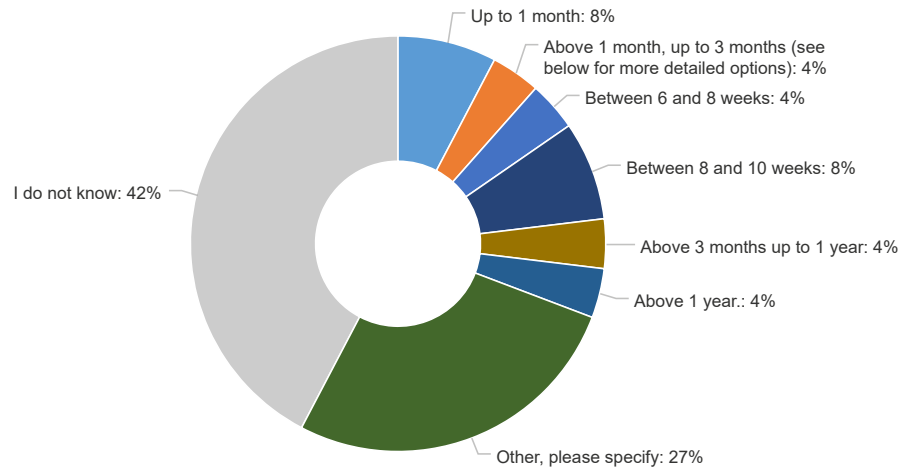
Please enter your links below

1. According to last year's statistics, the average salary of a civil servant was EUR 3,713 per month

a month ago

N 1

In your current practice, how long does the procedure under [Framework Decision 2005/214](#) in the case of a road traffic offence covered by the CBE Directive take approximately?



N 26

What is the time typically spent per case by your authority on the procedure under [Framework Decision 2005/214](#) in the case of a road traffic offence covered by the CBE Directive? (number of working hours spent per case)

Approximately 30 minutes per case.

13 days ago

It depends on the circumstances of the case.

23 days ago

No statistical information.

a month ago

I do not know.

a month ago

one hour

a month ago

Don't know

a month ago

I do not know.

a month ago

outgoing: automatically so short (within minutes) incoming: if complete: up to one hour

a month ago

Approximately 15 hours per case.

a month ago

do not know

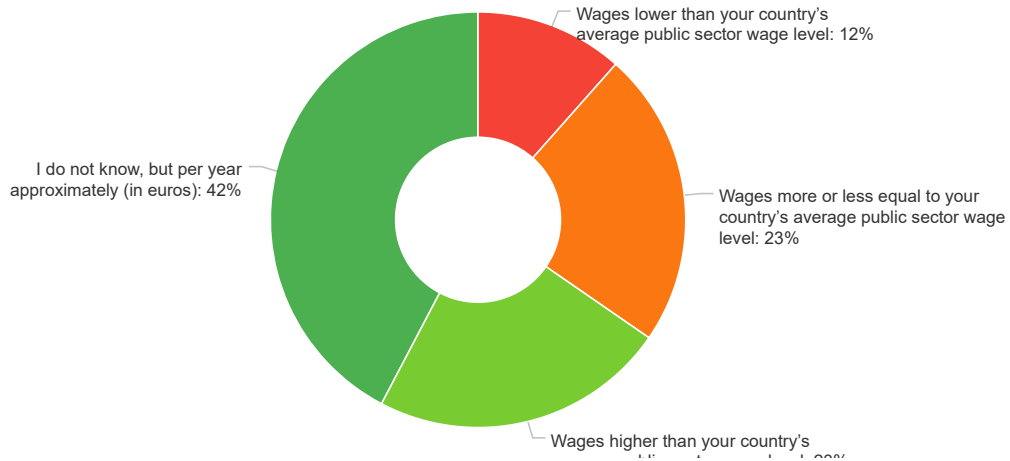
a month ago

asdf

2 months ago

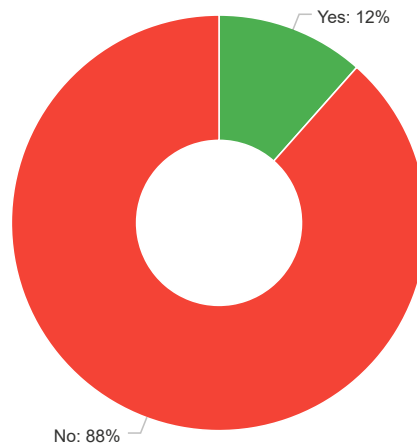
N 11

What is the approximate wage level of the officials dealing with the procedure under [Framework Decision 2005/214](#) per year?



N 26

Would you like to include a link or upload a document with an overview of wages in the public sector for Full Time Equivalent (FTEs) of your country?



N 26

Here you can provide one or more links.

1. According to last year's statistics, the average salary of a civil servant was EUR 3,713 per month

a month ago

N 1

What other costs arise when investigating one road traffic offence and enforcing a sanction (financial penalty) for this offence committed by a foreign registered vehicle? (e.g. translation costs, costs charged by Member State of the presumed offender for assistance in investigation, postal charges etc.) Please provide the additional cost (in euros), the reason for the additional cost and an indicative amount spent per typical case.

The costs depend on each specific case.

13 days ago

Postal expenses while investigating offences under the CBE Directive arise. In 2020 there were approx 7200 euros per month. Also costs of translation/ interpretation, costs related to defense of the victims could be mentioned.

23 days ago

The estimation/quantification asked for is not possible. Whether a vehicle is foreign registered or not is not part of our statistics because it is irrelevant for the application of FD 2005/214 (see Article 4(1) FD 2005/214).

a month ago

I do not know.

a month ago

translation, postal expenses.

a month ago

I do not know.

a month ago

i do not now

a month ago

I do not know.

a month ago

Do not know

a month ago

see answer to the same question in Survey1

a month ago

The Slovak Republic can only act as executing state regarding financial penalties(road traffic offences) according FD 2005/214. The issuing and the executing authority is Court, so in position of issuing authority the financial penalty can be only issued in criminal case as criminal offence. The road traffic offences are not considered as criminal offences according the law of Slovak republic, therefore Slovak Court cannot issue financial penalty on road traffic offences using FD 2005/214.

a month ago

N 11

Please, feel free to express your opinion on any other questions or issues of your interest not mentioned under the above points in this questionnaire.

-

23 days ago

In our view, the main problems overall in cross border cases arise during the investigation proceedings (ie regarding the question who was the driver) and not on the later enforcement level via Framework Decision 2005/214. The Framework Decision can only be used if a final decision has been made and at that is working very well with high success rates.

a month ago

Sorry for not being able to give answers to most questions. Hope to be able to provide additional information at a later stage.

a month ago

In my view, cooperation in administrative matters should have never been mixed with judicial cooperation in criminal matters. I realize there are EU Member States having the system of administrative criminal proceedings, but the world of judicial cooperation in criminal matters is completely different from the world of administrative cooperation (the levels of procedural guarantees and procedural requirements simply are not the same). I am afraid that it is almost impossible for an administrative authority to fill in the EIO form or to send a proper MLA request; for many of them it is too difficult to fill in the certificate under FD 2005/214/JHA. Therefore, it would be more feasible to regulate the administrative cooperation separately from the judicial cooperation in criminal matters.

a month ago

I missed questions about the CBE, this is more focussed on the FD 2005/214, where are more Questionnaires about.

a month ago

very complicated questionnaire, partly focussing on framework decision.

a month ago

I hope I made myself clear and explained understandably why the Ministry of Justice and our courts would be more than happy if the enforcement of penalties for traffic offences is regulated outside the judicial cooperation in criminal matters as it would be quicker and surely also less costly plus not overburdening the court system. Thank you for considering seriously our long term concerns!

a month ago

N 7

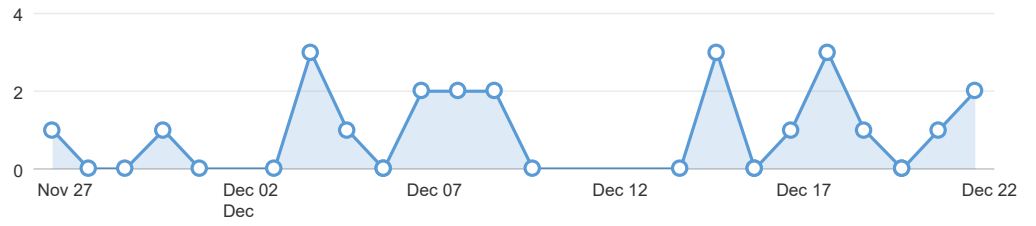
Powered by [CheckMarket](#)

Questions for road safety organisations

Respondents

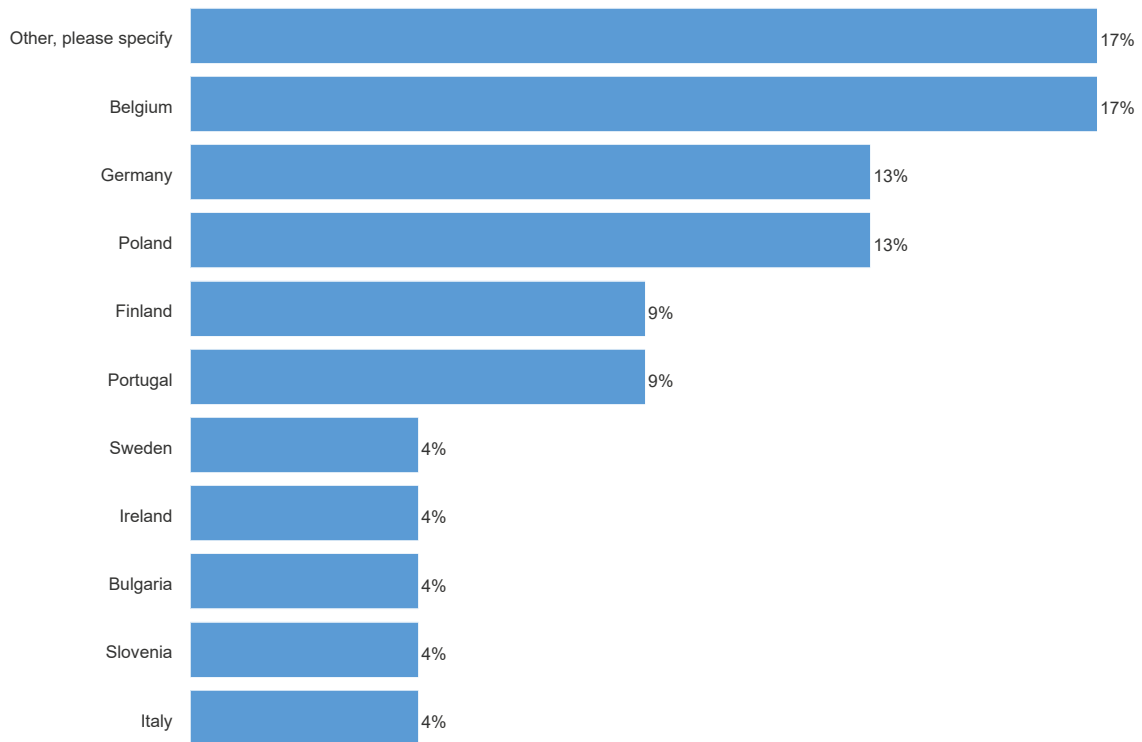


Response timeline



N 23

What is your country?



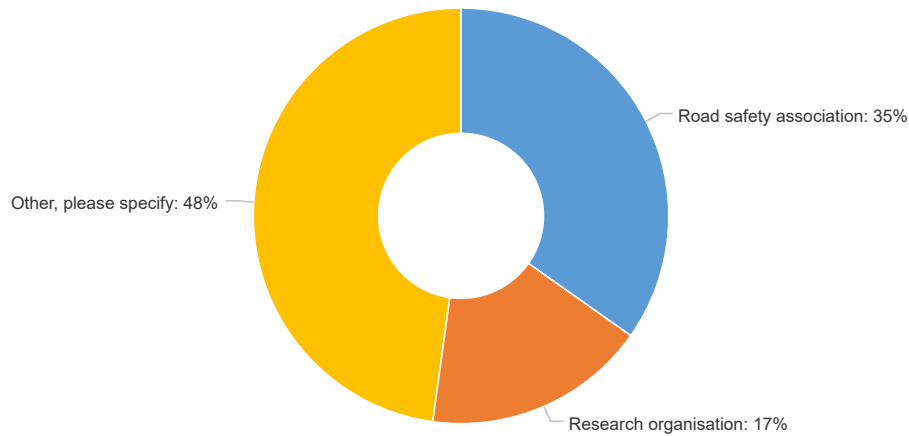
N 23

What is the name of your organisation?

| | |
|--|--------------|
| OTI | a month ago |
| Deutsche Polizeigewerkschaft (DPOIG) | a month ago |
| Folksam | a month ago |
| Police Service of Northern Ireland | a month ago |
| ANSR | a month ago |
| European Federation of Road Traffic Victims (FEVR) | a month ago |
| European Transport Safety Council | a month ago |
| Essex Police | a month ago |
| north wales police | a month ago |
| State Agency Road Safety | a month ago |
| VOD | a month ago |
| a | 2 months ago |
| Slovenian Traffic Safety Agency | 2 months ago |
| Motor Insurers' Centre (Liikennevakuutuskeskus) | 2 months ago |

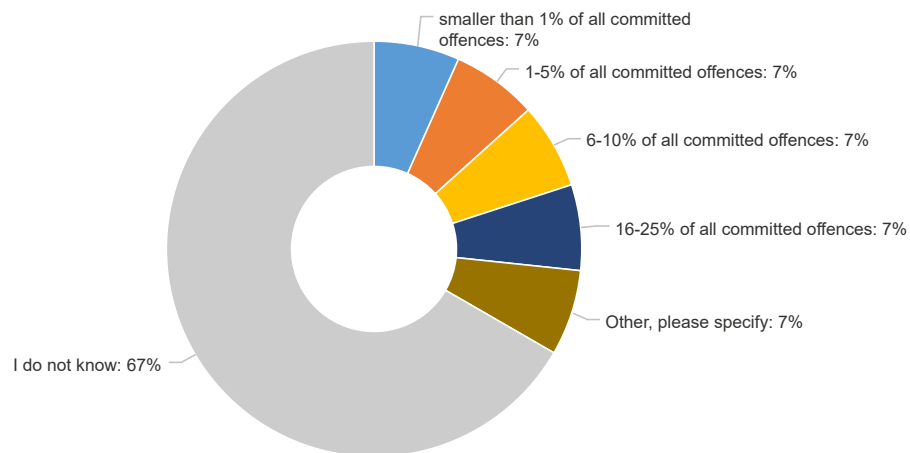
N 14

What is your organisation?



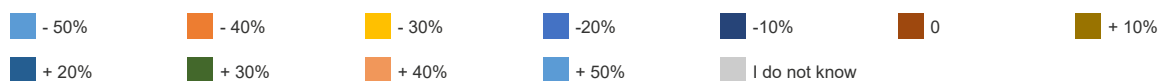
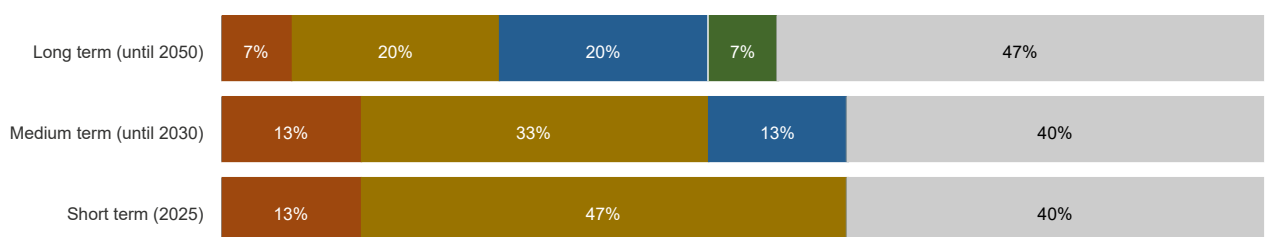
N 23

According to your information, please provide an estimate of road traffic offences committed by foreign vehicles in Europe?



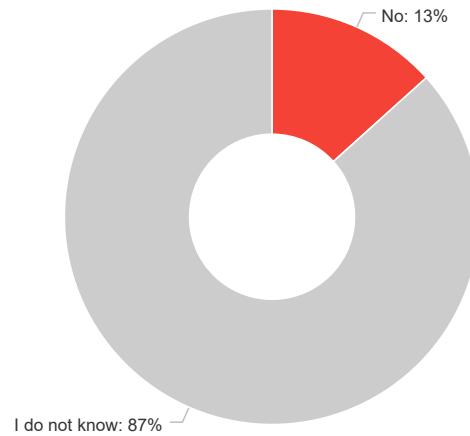
N 15

How do you expect the number of traffic offences by foreign vehicles to evolve in the future?



| | N | Avg | Med | StDev |
|--------------------------|----|-----|-----|-------|
| Long term (until 2050) | 15 | 7,5 | 6 | 0,9 |
| Medium term (until 2030) | 15 | 7 | 6 | 0,7 |
| Short term (2025) | 15 | 6,8 | 6 | 0,4 |

To your knowledge, is there any research or other type of assessment of the difference in likelihood to commit a road traffic offence, between resident and non-resident drivers?

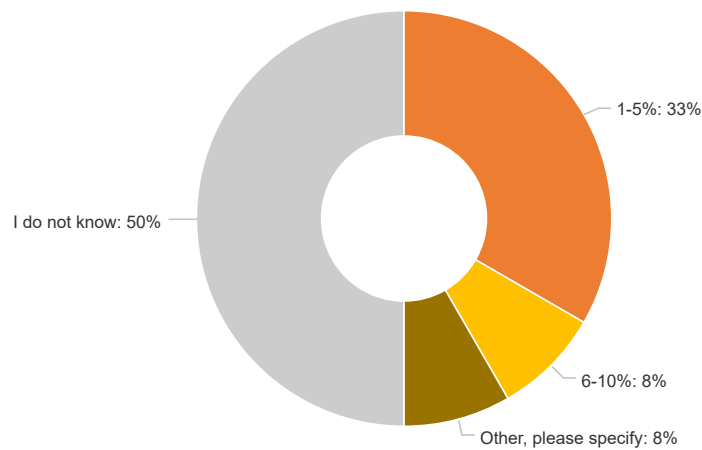


N 15

Could you please provide us with a reference to an article or other source of information?

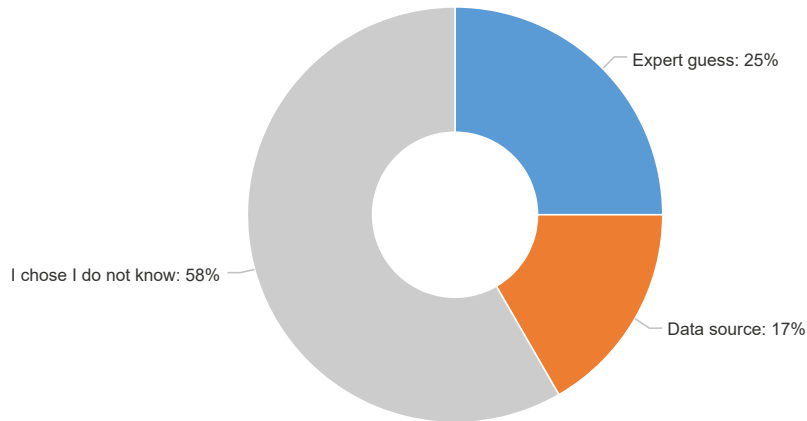
No data found

What is the (average) share of foreign vehicles on national roads?



N 12

Please clarify whether your previous answer was based on research that you are aware of or expert guesses



N 12

Please share the link

My guess is based on the number of random roadside checks we carry out every year on foreign heavy goods vehicles as a percentage of the total.

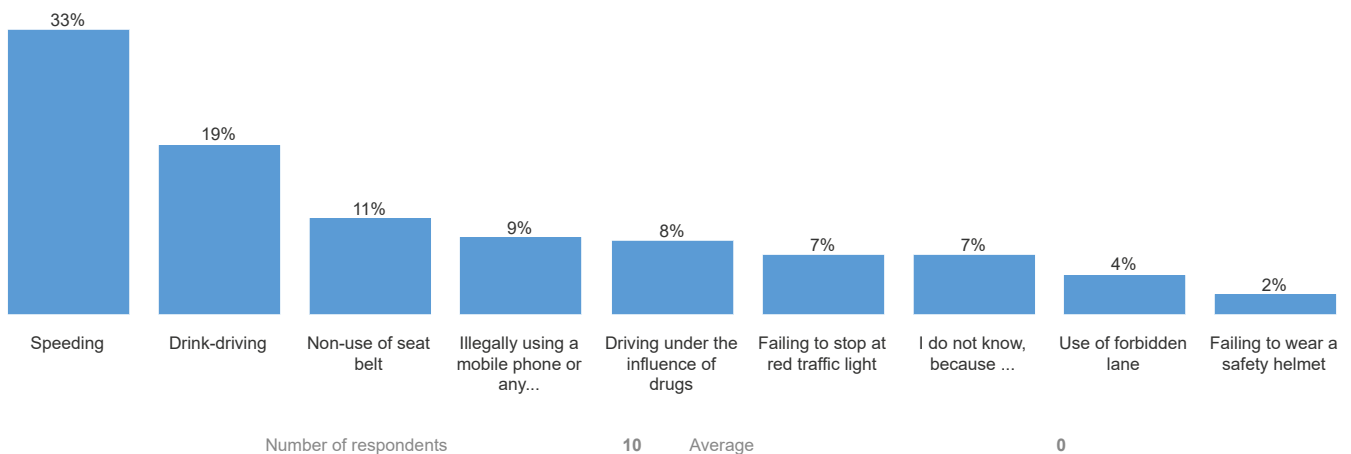
a month ago

Grimaldi (2016) Evaluation Study of the CBE Directive 2011/82, <https://goo.gl/2xSXH2>

a month ago

N 2

What are the main types of road traffic offences committed by ALL drivers on your roads? (rank with 1 being the most important to 8 not so important)



Is there a crucial type of road traffic offence missing from the list above? If yes, please elaborate and state which ranking you would apply.

Driving when not fit-to-drive (medical condition, fatigue...) 4

a month ago

All offenses against the behavioral law in particular distance violations and distraction

a month ago

Yes, number 2 in Sweden is 'Driving without a license, number 3 'Running away after an accident'.

a month ago

Documents of the car (109.000 infractions 2019). 2nd place before mobile phone. Wrong way signs (175k), 2nd place before mobile phone, parking: (479k), 2nd place

a month ago

Inadequate safety distance, Distraction

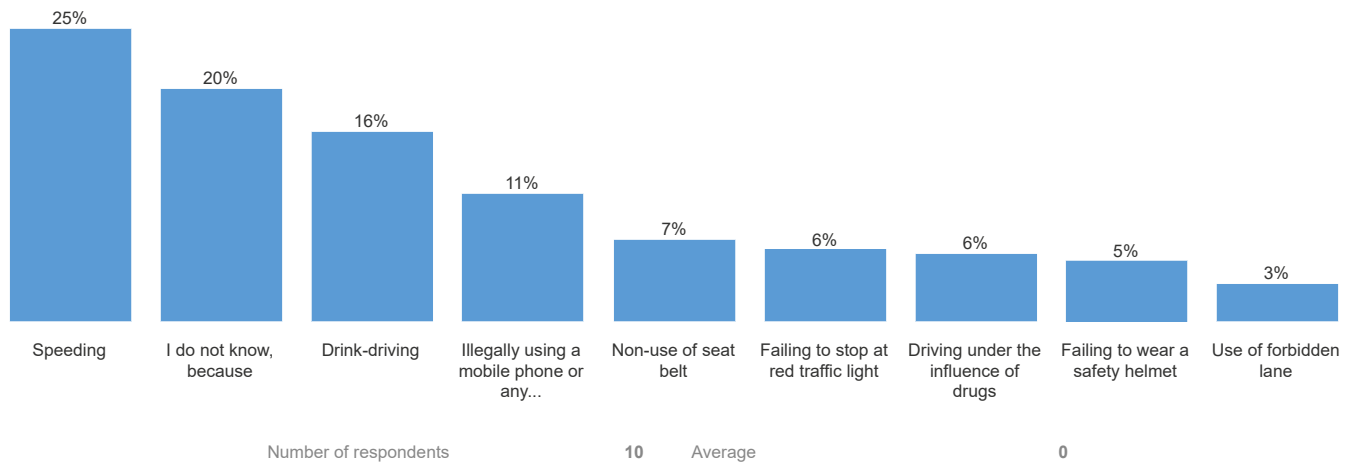
a month ago

Yes - what about offences committed by HGV drivers such as driving over the maximum period permitted or tachograph manipulation etc

a month ago

N 6

What do you consider to be the main type of road traffic offence committed by drivers of foreign vehicles? (rank with 1 being the most important to 8 not so important)



Is there a crucial type of road traffic offence missing from the list above? If yes, please elaborate and state which ranking you would apply.

fit-to-drive issues

a month ago

Inadequate safety distance, Distraction (Classification is difficult as there are no nationwide surveys on this subject.

a month ago

Running away after an accident number 2 or 3

a month ago

Inadequate safety distance, Distraction

a month ago

Again - those that relate to breaches committed by HGV and Bus Drivers in the area of driving time, breaks and rest period. Also vehicle roadworthiness, particularly driving with a defective tyre or tyres.

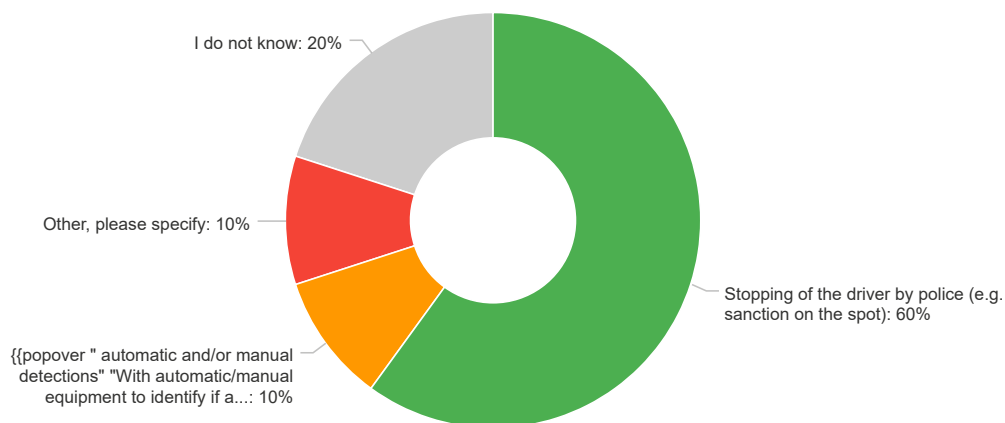
a month ago

Crossroad accidents

2 months ago

N 6

What do you consider more effective as deterrent to committing an offence:



N 10

Could you please elaborate your previous answer? Please feel free to refer to any available source of information, including literature that you are aware of.

automation detects only some of the offences, may not reach the actual driver and may arrive too late after the offence

a month ago

Automated traffic monitoring often fails in Germany due to data protection. A Europe-wide owner's responsibility would be useful. This would make it easier to impose sanctions throughout Europe. Pure control offenses are dispensable; there are no control deficits there.

a month ago

For Speeding; speed cameras and police enforcement. For Drink-driving; police enforcement

a month ago

The Enforcement Directive must be modified in such a way that the classic control offences listed there (driving under the influence of alcohol or drugs) are no longer relevant. The enforcement directive must be extended to include all violations of behavior (for Germany, see StVO) that are not classic control offences and do not necessarily require immediate police action. At the European level, it is to be urged that all members still missing join the 2005 Prüm Treaty based on EUCARIS. The Prümer Treaty is the basis for the police query of owner data via INPOL (according to my research, Greece, Iceland, Italy, Lichtenstein, Norway are still missing as of 03.07.20).

a month ago

If people are not sanctioned on the spot the offending will continue and it is very difficult to chase people afterwards to cjase payment of a fixed penalty or deliver a court summons.

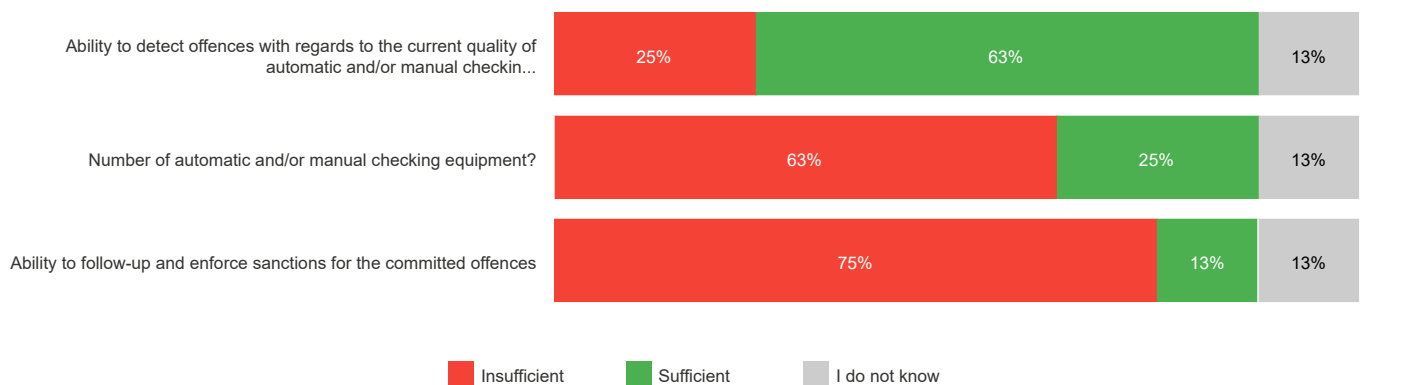
a month ago

A combination of mobile roadside police checks together with automated stationary enforcement, including fixed and average speed or time-over distance cameras, has proved to be an effective tool in addressing speeding and should be introduced in places where speeding over appreciable distances is a problem. SWOV Fact Sheet (2009), Speed cameras: how they work and what effect they have, <http://goo.gl/PYtqd0>, and PACTS (2003), Speed cameras. 10 criticisms and why they are flawed, <http://goo.gl/NJvUUt> And please also read: PACTS (2020) Roads policing and its contribution to road safety <https://bit.ly/35Fsh8C> which has a good summary of recent research also on other road safety offences.

a month ago

N 6

Do you consider that the [detection equipment](#) within the last year at the disposal of police authorities in your country or at EU level is adequate in terms of



| | N | Avg | Med | StDev |
|--|---|-----|-----|-------|
| Ability to detect offences with regards to the current quality of automatic and/or manual checking equipment | 8 | 1,7 | 2 | 0,5 |
| Number of automatic and/or manual checking equipment? | 8 | 1,3 | 1 | 0,5 |
| Ability to follow-up and enforce sanctions for the committed offences | 8 | 1,1 | 1 | 0,4 |

Could you please elaborate on your previous answer (e.g. why, and/or for which region/country)?

equipment has improved lately, but human resources are still needed

a month ago

In general, sufficient technical traffic monitoring equipment is available. Mutual recognition of technical approval procedures should be improved. The lack of owner liability and excessive data protection in individual member states are different. All member states should join the available systems for cross-border enforcement (EUCARIS; Prüm Treaty).

a month ago

In general, sufficient technical traffic monitoring equipment is available. Mutual recognition of technical approval procedures should be improved. The lack of owner liability and excessive data protection in individual member states are different. All member states should join the available systems for cross-border enforcement (EUCARIS; Prüm Treaty).

a month ago

I am afraid I cannot answer on behalf of our national police force but if you email RPMEM_DV@garda.ie somebody will be able to assist you. I am aware they have recently rolled out handheld devices for their officers to use at the roadside which gives them more information at the roadside and makes the process of applying sanctions more efficient.

a month ago

Please see data and analysis in these two recently completed PIN reports: Enforcement (2016) https://etsc.eu/wp-content/uploads/PIN_FLASH31_Final-1.pdf and Speeding <https://etsc.eu/reducing-speeding-in-europe-pin-flash-36/>

a month ago

N 5

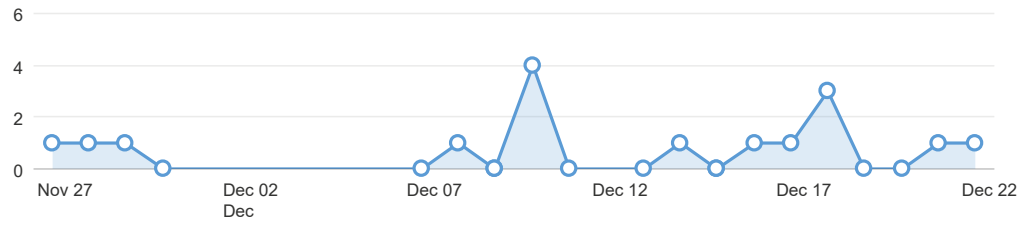
Powered by [CheckMarket](#)

Questions for road users

Respondents

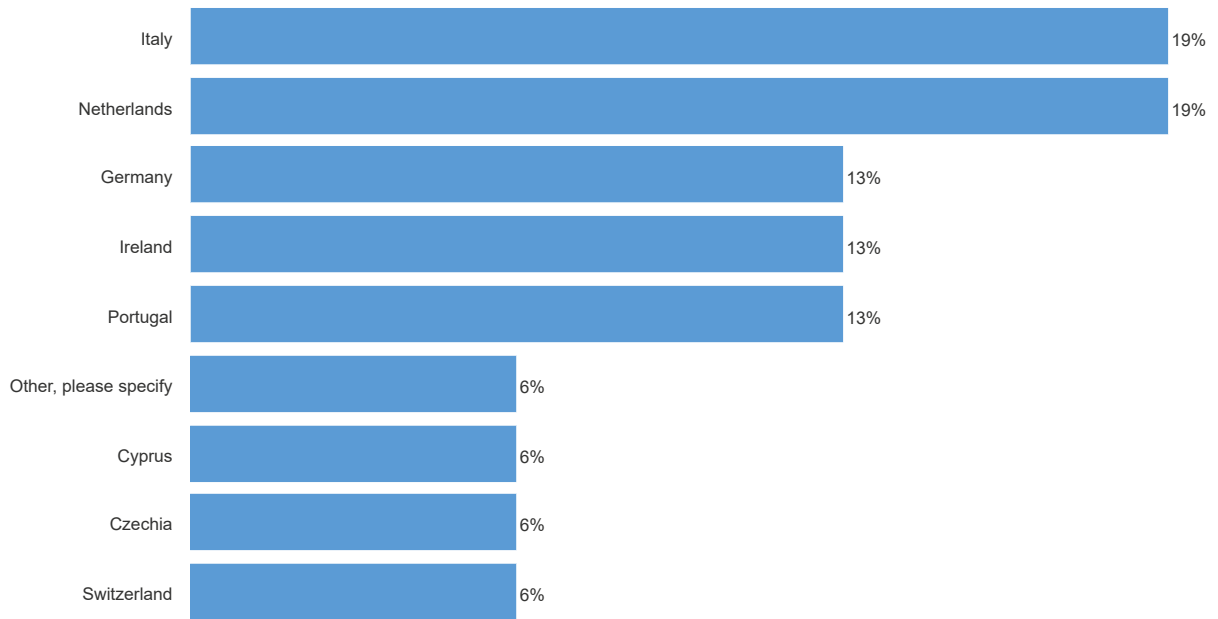


Response timeline



N 16

What is your country?



N 16

What is the name of your organisation?

IRU, International Road Union Organisation

a month ago

ALD Automotive

a month ago

Fine Company

a month ago

ADAC e.V.

a month ago

ADAC e.V.

a month ago

LeasePlan Coperation

a month ago

XX

a month ago

TLN

a month ago

European Professional Drivers Association

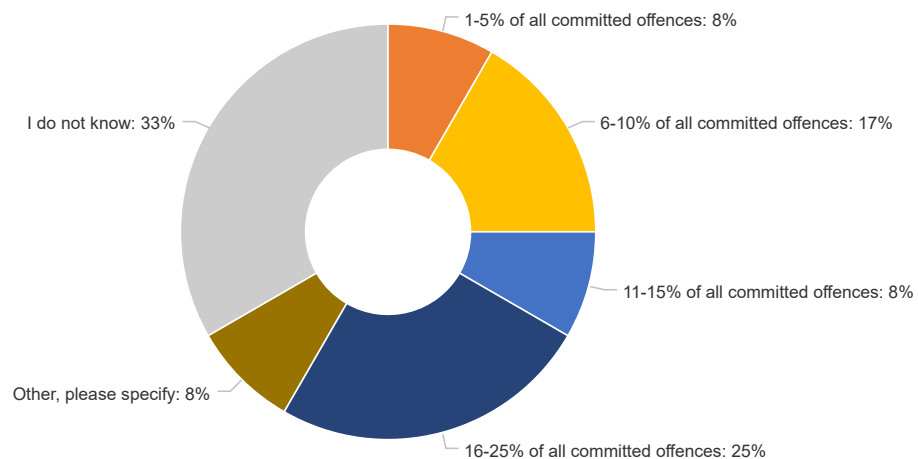
2 months ago

European Professional Drivers Association

2 months ago

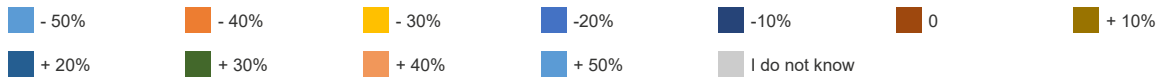
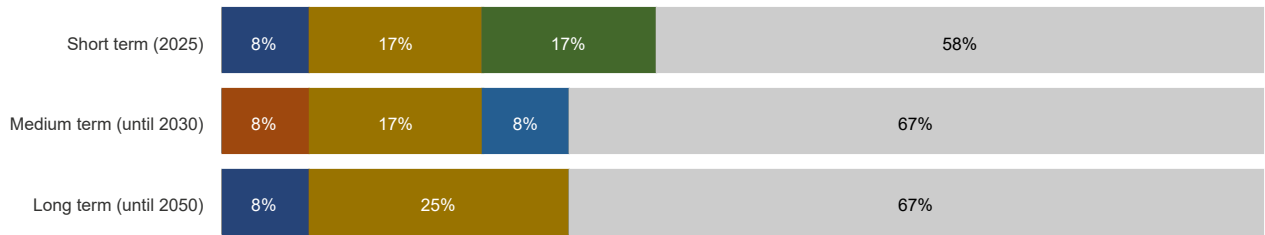
N 10

According to your information, please provide an estimate of road traffic offences committed by foreign vehicles in Europe?



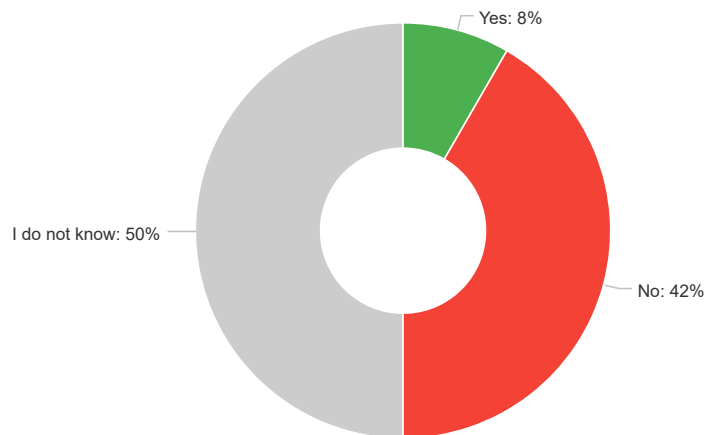
N 12

How do you expect the number of traffic offences by foreign vehicles to evolve in the future?



| | N | Avg | Med | StDev |
|--------------------------|----|-----|-----|-------|
| Short term (2025) | 12 | 7,4 | 0 | 1,7 |
| Medium term (until 2030) | 12 | 7 | 0 | 0,8 |
| Long term (until 2050) | 12 | 6,5 | 0 | 1 |

To your knowledge, is there any research or other type of assessment on the difference in likelihood to commit a road traffic offence, between resident and non-resident drivers?

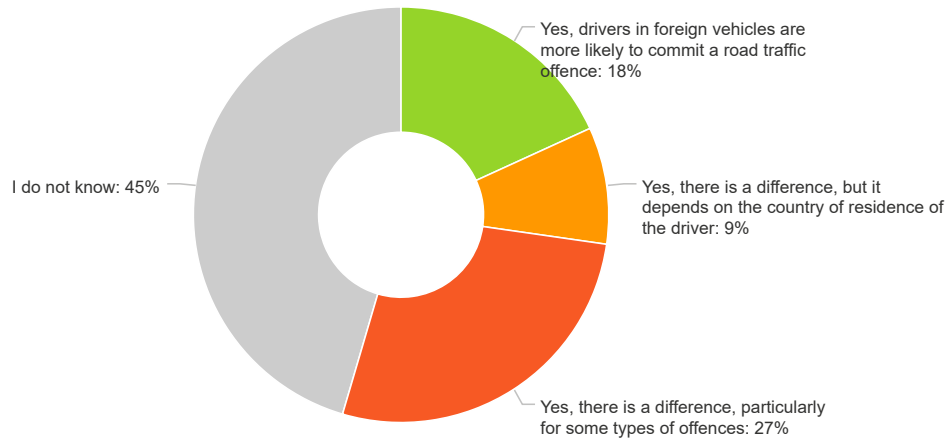


N 12

Could you please provide us with a reference to an article or other source of information?

No data found

To your knowledge, is there a difference in the likelihood to commit a road traffic offence, between resident and non-resident drivers?



N 11

Could you please elaborate your answer?

i think it is related to the national enforcement and commitment from drivers

a month ago

Foreign drivers don't know the specific country regulations and violation detection methods in countries they visit.

a month ago

Foreign drivers don't always knows local traffic regulations When you drive abroad you care less about traffic offence

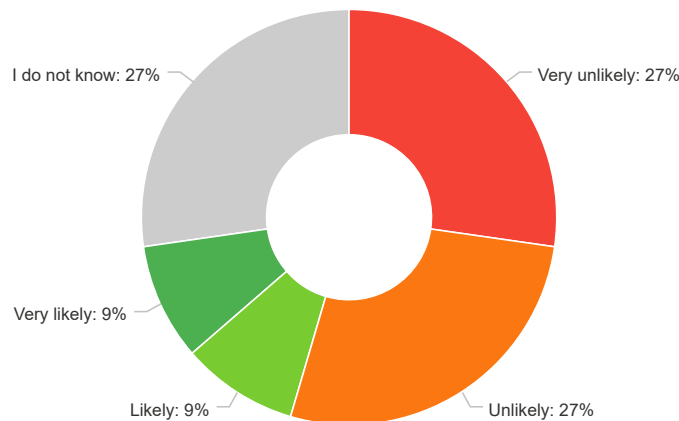
a month ago

Foreign Drivers in Domestic vehicles are more likely to commit offences for speeding. Vehicles from Northern Ireland are known to not comply with rules when traveling in the South of Ireland. There are many foreign drivers working for domestic companies who do not exchange their driving entitlement for a domestic one because they will not receive penalty points if they commit some road traffic offences.

2 months ago

N 4

In your view or expert opinion or based on research you are aware of, how likely is it that resident drivers are influenced in their driving behaviour, if they perceive that non-resident drivers are more likely to commit a road traffic offence?



N 11

Could you please explain your answer to the previous question?

because the resident drivers can believe or perceive a less stringent control

a month ago

Foreign drivers are not represented enough to influence local behaviour

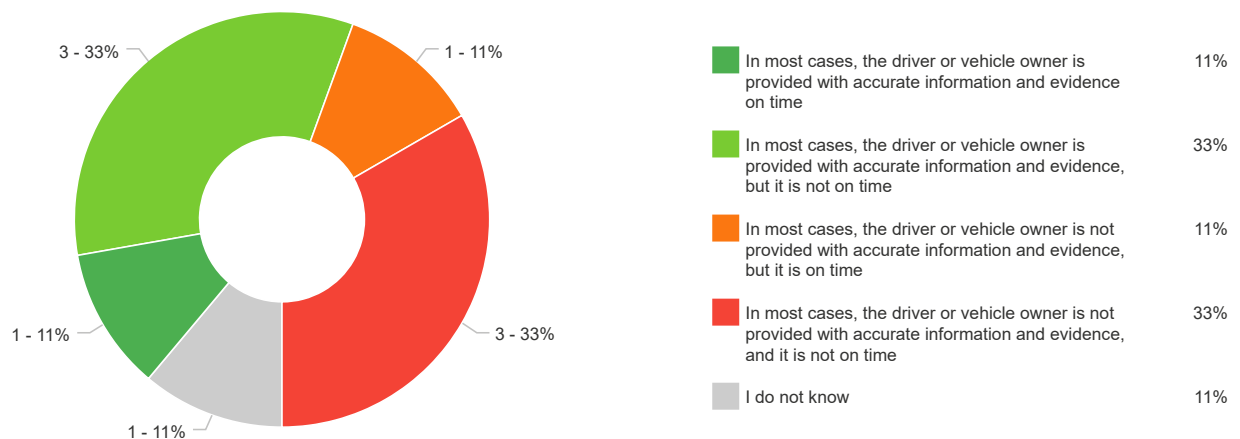
a month ago

As professional drivers our driving behaviour is not influenced in any way by the actions of non-resident drivers.

2 months ago

N 3

According to your information, is the offending driver/owner of the foreign vehicle in typical cases informed on allegedly committed road traffic offence 1) in time, 2) in an accurate information letter/penalty notice, 3) and containing comprehensive evidence of the offence and any other relevant or related information?



N 9

Could you please explain your answer to the previous?

in most cases the verbal note is written in the original language (which is different to the foreign drivers language) and it has communicated late - traditional postal letter

a month ago

The driver may not understand the language and/or offense terms

a month ago

The service of penalty notices from abroad usually takes place within the specified time limits. However, from Italy, which is one of the main holiday destinations for German motorists, penalty notices are often served only after the statutory period of 360 days provided for in Art. 201 para. 1 Codice della Strada. In some countries (e.g. Spain, Eastern Europe), penalty notices are at best written in English, but generally not in the language of the country of residence of the vehicle's state of registration. Those who do not understand the language also do not receive sufficient information about the offence, the evidence and possible legal remedies.

a month ago

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a month ago

this depend of course on the origin of the driver

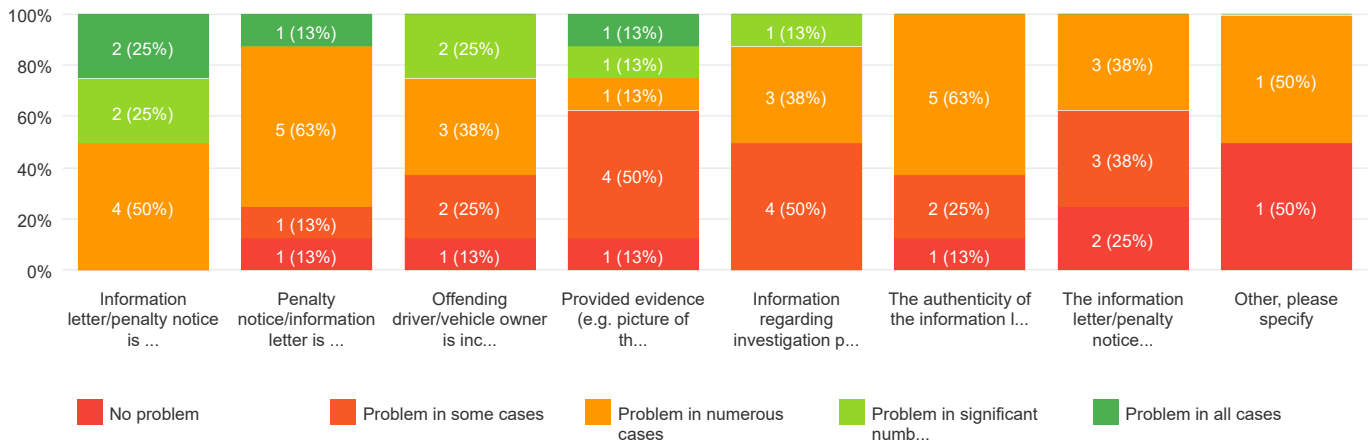
a month ago

Information on the penalty and the time in receiving accurate information is poor for all drivers.

2 months ago

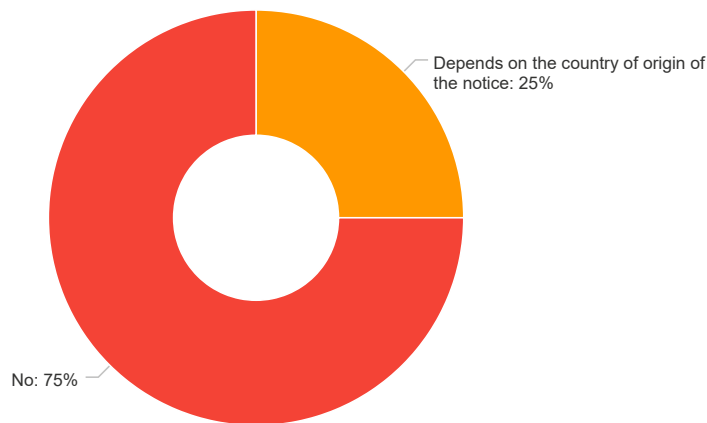
N 6

In cases where the information is not correct/adequate, which of the following reasons are the cause and how often do they appear?



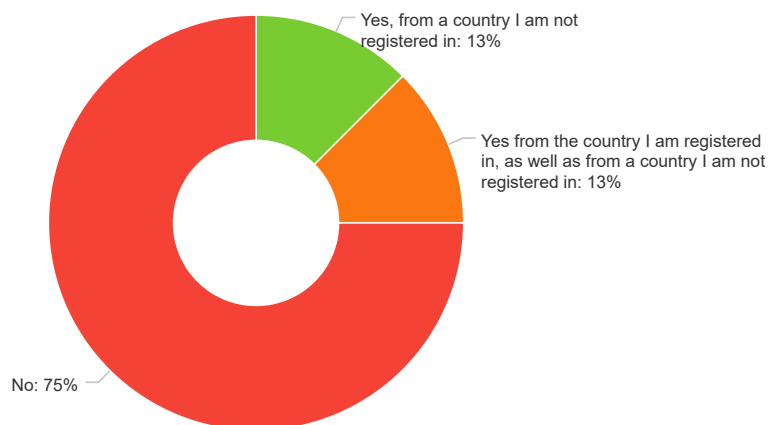
N 8

According to your knowledge, is the communication following the information letter/penalty notice, including the communication under appeal procedure provided in the official language of the country of the residence of presumed offender?



N 8

Have you ever received an information letter/penalty notice on a road traffic offence through electronic communication?



N 8

In the cases where an appeal is lodged (due to the reasons described above), what is the typical or average time road users need to spend until the situation is resolved? How long does it take the road user to fill in the appeal? (We are not asking for the full process, which we know can take months before all issues are resolved, but refer rather to administrative time required in minutes/hours)

40 days

a month ago

15 - 30 minutes

a month ago

The effort here may well amount to several hours: the problem is that the objection often cannot be lodged in the language of the traffic offender, but must be lodged in the language of the country where the traffic offence occurred (e.g. Italy). The translation takes time and money. As a rule, there are no ready-made objection forms. In addition, the time for a possible legal consultation with a lawyer must also be taken into account. All in all, filing an objection is regularly very time-consuming.

a month ago

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a month ago

Forms take 20 to 30 minutes to complete Phone communication can take 2 to 3 hours.

2 months ago

N 5

Based on your information, in cases where a [Driving Disqualification](#) is imposed by enforcement country in which you are not resident, what are the main challenges that the driver faces and is this dependent on the type of driving disqualification?

do not know

a month ago

??

a month ago

In such cases, affected drivers often do not know when the driving ban begins and how long it lasts. The question arises as to whether and, if so, where the driving licence should be sent. If the driving licence is already withheld on the spot abroad, it is often unclear when and how the driving licence will be returned to the person concerned. This can often take a very long time. During this time, the question arises for the person concerned whether they are allowed to drive in their home country, even though the driving licence document is still with the foreign authority. In addition, it should be noted that due to the different national regulations regarding responsibility for a traffic offence, in some countries it is the driver who can be banned from driving, while in other countries it is the vehicle owner. This makes a possible mutual recognition of driving bans very difficult.

a month ago

In such cases, affected drivers often do not know when the driving ban begins and how long it lasts. The question arises as to whether and, if so, where the driving licence should be sent. If the driving licence is already withheld on the spot abroad, it is often unclear when and how the driving licence will be returned to the person concerned. This can often take a very long time. During this time, the question arises for the person concerned whether they are allowed to drive in their home country, even though the driving licence document is still with the foreign authority.

a month ago

We dont have any information on disqualified drivers.

2 months ago

N 5

According to your information, how likely are national authorities of the countries to issue the financial penalty to hire private debt collection companies (to follow-up on the payment of fines)? Please explain which countries use this practice

it is a common practice

a month ago

Practiced in several countries: Italy, Spain, UK, Sweden(toll charge), Netherlands.

a month ago

The private collection of public-law financial sanctions has increased considerably in recent years. In the following countries, public authorities most frequently use the services of private debt collection companies: Italy (e.g. NiviCredit, Brizzi & Baldi, Multiservizi SA, e-collect, Euro Treuhand Inkasso), Great Britain (Euro Parking Collection EPC) and Hungary (Ungarn Autobahn Inkasso UAI).

a month ago

The private collection of public-law financial sanctions has increased considerably in recent years. In the following countries, public authorities most frequently use the services of private debt collection companies: Italy, Great Britain and Hungary.

a month ago

Very likely

2 months ago

N 5

Have you faced cumbersome vehicle re-registration formalities and paperwork, such as double payment of registration tax? (Please elaborate on your answer and feel free to give further examples)

na

a month ago

No

a month ago

No, we represent professional drivers and would not have information on vehicle owner issues.

2 months ago

N 3

According to your information, what are the main problems with vehicles' cross-border re-registration?

time incomplete the re-registration

a month ago

Main problems with the transfer and registration of motor vehicles from one EU Member State to another are: - Non-recognition of national transfer plates - Complicated and nationally different registration procedures - As a rule, vehicles can only be deregistered in the country of registration. - Nationally different registration taxes / motor vehicle taxes - Non-recognition of national no-claims bonuses in motor third party liability insurance

a month ago

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a month ago

Again not our area.

2 months ago

N 4

Thank you for taking the time in filling in this survey. Feel free to use the textbox below to leave us with any final comments

thank you

a month ago

Our company is a specialized digital processor of traffic and parking fines from all over Europe. To our opinion, most of the issues addressed in this survey are less relevant to the impact assessment on the revised CBE Directive. In an impact assessment we would expect an explanation of the proposed changes in the CBE Directive and questions about how these changes solve unaddressed issues in the current Directive.

a month ago

We trust that our contribution will be of assistance.

2 months ago

N 3

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Annex III – Interviews on problem definition and baseline

Interviews have been executed in May - June 2021, with individual questionnaires designed for specific stakeholders that were deliberately chosen because of data availability and/or experience with certain problems. The interview notes can be found in Annex II. The following organisations were interviewed:

- Eucaris
- Leaseurope
- FIA¹
- ADAC
- VNG
- Salzburg Forum / Austrian Ministry of Interior
- Spanish Ministry of Interior
- Czech Ministry of Justice and Ministry of Transport
- Belgian Ministry of Transport & Ministry of Justice
- CJIB
- ETSC²
- CARE Database³

Polis, the German Ministry of Justice, and the Polish Ministry of Infrastructure were contacted for an interview, however, were not response to the request.

In the following documents, you can find the minutes of the executed interviews.

The interviews were executed in a later stage, and were directly specifically to fill up certain information gaps that previous stakeholder activities could not yet provide. As such, the aim of each interview was slightly different. For example, VNG was consulted to gather more information on UVARs, FIA and ADAC was gathered to gather more information on the road user experience, and Leaseurope was contacted to gather specific data and input for the problems experienced by leasing companies. This implies that the information gathered in each interview was unique and could not be compared.

¹ Please note that the interviews with FIA and ADAC were combined

² No information notes were made from this information, as the primary focus was on exchange of data

³ No information notes were made from this information, as the primary focus was on exchange of data

Ecorys (lead), Grimaldi, Wavestone

Interview Minutes: EUCARIS

DG MOVE, European Commission Study on the possible revision of
Directive (EU) 2015/413

5-26-2021

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Summary

Thank you for your interest in participating to the interview to support the European Commission in conducting a study on the possible revision of Directive (EU) 2015/413 that facilitates cross-border exchange of information on road-safety-related traffic offences¹.

This study is conducted by Ecorys (lead), Grimaldi, and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) and runs until September 2021.

This interview serves to get a better understanding of the CBE Directive, issues that affect its functioning and possible improvements. This will help us with identifying where the CBE Directive needs to be revised and what the impact of that revision will be. As an end result, we hope that this revision can lead to a further decrease in the number of road accidents in the European Union.

Personal data will be processed according to the Regulation (EU) No 2018/1725 on the protection of individuals with regard to the processing of personal data. No citations will be used in the report to the Commission, and any information retrieved from the interview will be processed in an anonymous way.

Thank you for your time!

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427192018025&uri=CELEX:32015L0413>

Personal information

Organisation

EUCARIS Secretariat and Operations

Section 1: Exchange of information

Prüm Decisions

1. Under EU law, how many tailor-made EUCARIS functions exist for Commission purposes? (e.g. Prüm)

There are different groups of functionalities, each under one specific legislation, and within each group several message exchanges are defined. For instance, under RESPER (exchange of driving licences), there are different options for inquiries and to send notifications. In general, the total number of functionalities adds up to 19 for different types of legislations, and around 50 – 100 specific types of messages are exchanged, the number depends on what is counted: single and multiple messages, different search methods, acknowledgements of receipt .

14 functionalities are based on EU legislation: IVI/eCoC, AVI, Notification of Re-registration, Mileage/Odocar, Prüm, CBE, eCall, TACHO, ERRU, RSI, RESPER, ProDriveNet, Tolls, and VAT.

5 functionalities are based on bilateral or multilateral Treaties and Agreements: DLInfo based on the EUCARIS Treaty, Salzburg services based on the Salzburg Agreement, Parking, Vehicle Owner/Holder data based on bilateral Treaties, covering the data exchange for enforcement of Non-CBE traffic offences and finally NSD, exchange of non sensitive data for enforcement of environmental zones.

EUCARIS functions also differ depending on the European Commission Directorate-General (DGs) at hand. For DG MOVE, in addition to the CBE Directive, EUCARIS is used in light of Directive (EU) 2019/520 (toll systems). Furthermore, EUCARIS is used in most countries (five countries use the Commission Central Hub) for the exchange of driving licence information based on the 3rd Driving Licence Directive 2006/126/EC. As part of Regulations (EC) No 1071/2009, 1072/2009, 1073/2009 and 1213/2010 EUCARIS is used by some of the Member States as the interface to the central hub of the Commission for the exchange of information on tachograph cards and information on transport undertakings (ERRU). For DG Home EUCARIS is used for the Prüm services, exchanging information on vehicles, their owner/holder and vehicle insurances to fight crime and terrorism, based on Council Decisions 2008/615/JHA and 2008/616/JHA. For DG TAXUD, EUCARIS is used for Council Regulation (EU) 2018/1541 amending Regulations (EU) No 904/2010 and (EU) 2017/2454 as regards measures to strengthen administrative cooperation in the field of value added tax (VAT). DG GROW uses EUCARIS for the exchange of the Certificate of Conformity (CoC) (also called IVI, which means 'initial vehicle information'). DG CONNECT also refers to EUCARIS for eCall. As

a note, many DGs cooperate for the exchange of information, however, their approach is different.

For DG MOVE, a series of legislation leave open the type of communication that is used (CBE and toll systems refer to the Prüm Council Decisions), i.e. Member States can either use the Central Hub provided by DG MOVE or EUCARIS. However for CBE and Toll systems the use of EUCARIS is mandatory, via a reference to the Prüm Decisions.

The DG GROW and DG TAXUD legislations explicitly mention the use of EUCARIS.

In addition to EU law, EUCARIS is used by some user groups based on multilateral or bilateral agreements per service group, such as the Salzburg Group.

2. For the CBE Directive, was EUCARIS specifically developed with additional or modified software?

EUCARIS is a generic data exchange platform that uses a generic layer for routing, logging and security.

For the CBE Directive, the specific functionality in place is the ability to retrieve owner/holder data based on a vehicle's licence plate (can be done for single or multiple requests). The CBE dataset compared to the Prüm Decisions is slightly different, as in the latter more information is required for high profile criminal cases.

3. Is the EUCARIS product designed for use in light of the CBE Directive coupled with the Prüm specificities?

EUCARIS has specific datasets for both data exchanges and they are not closely coupled. The CBE and Prüm Decisions both use EUCARIS (i.e. the same system), as well as the same exchange functionalities, however, the datasets are independent. CBE messages do not interfere with Prüm messages.

In a few Member States (currently only France and Luxembourg), EUCARIS is installed twice in order to use both Prüm and CBE functionalities. It is easy to segregate and functionalities may be installed on different platforms. The double installation is not necessary with proper user management, however, it is an option if needed. In short, under the two legislations, EUCARIS uses the same mechanism but different datasets. The Prüm requirements are at a higher level than the CBE, as in the former, information is exchanged for high profile criminal activities (security importance). Under the CBE, the level of severity of offences is lower, so for the CBE a slightly lower data protection level

could be acceptable. For instance the use of TESTA might be reconsidered for CBE, but is used because it is part of the EUCARIS generic provisions. Furthermore, EUCARIS, used under the Prüm Decisions is sometimes split in different connections because police were involved: it is a national political choice that the exchange is dedicated to the police and not in cooperation with the national registration authority.

4. If CBE and Prüm were to be de-coupled, what would be the consequences?

In practice, the two are already decoupled and can be used via separate channels and using same functionalities and exchange mechanism.

For the CBE, it is possible that the registration authority may declare that certain information is not to be disclosed (i.e. valid reason to not exchange the information), however, for Prüm, no exceptions are allowed and information will always be exchanged.

The protection of personal data of the data subject is based on Regulation (EU) 2016/679 for CBE and Regulation (EU) 2016/680 for Prüm.

5. Could you please tell us how the EUCARIS software is developed for Commission services? (i.e. is an agreement/contract signed) What is the legal basis?

The original EUCARIS Treaty was amended in such a way that the EUCARIS system may also be used for the exchange of information based on other legislation than only the EUCARIS Treaty. EUCARIS also offers support to the European Commission by offering a data exchange mechanism supporting a series of EU Regulations and Directives.

The relationship between EUCARIS and the European Commission is based on specific legal bases and there is no overall legal act in place in which the cooperation is described. Member States own EUCARIS (the rules of procedure are depicted in the EUCARIS Treaty and elaborated in a separate document).

The Member States delegate activities on both the IT and secretarial sides to a Nominated Party (one of the Parties to the Treaty). (For example, the Dutch vehicle Registration Authority, RDW, is currently the Nominated Party for Operations and also the Nominated Party for the Secretariat on behalf of the countries/EUCARIS community.)

There is no direct relation between the European Commission and EUCARIS (including CBE and MOVE functionalities). Rather, the relationship is always between the European Commission and the Member States. The latter have the responsibility to deliver

information on the data exchanges, which are stored nationally. EUCARIS, in turn, supports the delivery of the statistics and collects logs in order to share them with the European Commission on a yearly basis. The European Commission may specify the exact information that is needed to be extracted by EUCARIS (if available). Information included in the yearly statistical overview may include the type of offence (of the eight under the CBE Directive), the code when a response could not be given (because no owner-holder information is available due to potential flaws in national vehicle register databases or the licence plate was not interpreted correctly). This information exchange is done informally by EUCARIS to support the Member States, who have the responsibility to keep track of all necessary details of the exchanges via EUCARIS (e.g. type of request, time, date) and may be requested to provide further detailed information. EUCARIS, for example, does not have access nor is responsible to share statistics on the number of casualties in the Member States. Indeed, EUCARIS is not a central system, so each country keeps logs of their own exchanges. The logging of exchanges only concerns Member States that are involved in the given exchange.

6. Under the Next Generation Prüm, is EUCARIS envisaged to continue to be used? Would EUCARIS also be considered as the platform for the exchange of facial images?

EUCARIS will definitely be continued for use under the Next Generation Prüm for the exchange of vehicle information, as well as the extended functionalities.

Furthermore, a proposal was made on the exchange of driving licences, however, a decision has not yet been made. It was also suggested to make the driving licence photo available, which will serve as an element to be used for facial images scanning, though no biometrical data will be included (rather only the picture). The latter point is currently undergoing political discussion in order to best define how and why photos may be used. On the EUCARIS side, there are no technical complications to achieve this exchange: most authorities that give vehicle information based on the Prüm legislation are also keepers of driving licence data. The Next Generation Prüm therefore envisages the interconnection and further supply of data to ease the exchange of information.

As for the future of the CBE Directive, it is also technically feasible by EUCARIS to serve as the platform for the exchange of driving licence information. However, the necessary legal basis would have to be included in the CBE legislation.

Within the Salzburg Forum EUCARIS functionalities, the information letter is sent to the address available in the VRD, however, given the interconnection with the driving licence

information, a re-enquiry is possible in order to check whether the address is correct or different.

A picture is also available of the driving licence, as well as further document scans may be exchanged to continue investigation. The documents are exchanged in the form of attachments, only between the national authorities. The documents are not stored in EUCARIS. Under the Salzburg Forum, privacy is ensured, as pictures are only exchanged for specific purposes, with an Agreement signed for the purpose. Only the national authorities are liable for data protection and respecting GDPR, as well as act as data controllers – not EUCARIS.

7. In technical terms, could EUCARIS connect to a cloud with data shared by the Member States?

In technical terms, EUCARIS is capable of connecting to national clouds, but at the moment it is not necessary. In the future, specific legislation could require cloud data storage. The EUCARIS Treaty foresees this eventually, as the system can be used by organisations other than the Member State national authorities, such as the European Commission or Europol, that have a legal base to exchange information.

Nevertheless, access would be managed in an indirect way. The data provider makes the data available and fit into EUCARIS messages (standardised between Member States). Data storage in a cloud is transparent as long as it is under European jurisdiction (personal data sensitivity), to be guaranteed by the Member States, regardless where in the European Union.

As for driving disqualifications, they could be checked in the cloud, as well as at a central register at DG MOVE. This would require that a EUCARIS platform is available at DG MOVE and can deliver centrally stored information. It is technically feasible and also in the EUCARIS Treaty it is incorporated after the amendments of 2017, that institution like the European Commission can use EUCARIS.

EUCARIS, however, prefers to request information not from a central platform where the actuality of the data cannot always be guaranteed, but from the source registry, which is normally a national register in one of the Member States.

Salzburg Forum

8. Could you please tell us about how EUCARIS works for use in the Salzburg Forum?

There are four services in place:

- Exchange of information to request the name and address of the driver (driver at the time of infringement).
- Checking the address (stored maybe elsewhere and not included in data exchange).
- Service the information letter sent by ministries of justice or other responsible organisations.
- If all fails and investigation has not resulted in payment: possible to exchange the final verdict of the court for the effectuation of the financial penalty in the country of registration (a lot of documents exchanged with structured data).

Regarding the final decisions, EUCARIS is not aware of the types of documents exchanged through EUCARIS within the Salzburg Forum countries.

Additionally, the affiliated countries collect the statistics themselves (AT, HU, BG, HR). EUCARIS, unlike for the CBE Directive, is not involved as central statistics provider because it is not requested.

(N.B.: CBE statistics: operation cost of the service to provide them, and each Member States pays for the service that they use. One of the elements is maintenance and responding to questions in addition to the preparation of statistics.)

General access

9. Currently, under the CBE, EUCARIS is accessed by a single national contact point in each country. Could you tell us their affiliation (e.g. police; ministry)? Are National Contact Points (NCPs) well-equipped (i.e. staffing and resources)?

There are two types of NCPs: NCPs for incoming requests operate a EUCARIS platform and also provide the VRD data, so they process incoming requests from abroad; NCPs for outgoing requests are responsible for the processing of outgoing requests and incoming responses and forward the information to the authorities that use the data for their legal tasks. In most case the two NCP roles are combined in one NCP, but sometimes the two are situated in different organisations, depending on the Member States. The role of NCP is often designated to the Registration Authority but can also be at ministries of transport, interior, and justice as well.

In the Netherlands, users of EUCARIS are in the customs organisation, tax authorities, and of course the Road Traffic Services. In Ireland for example, the requesting NCP organisation is the Police and responding NCP is located in the vehicle register authority (under Prüm).



Section 2: Investigation of road traffic offences

Salzburg Forum

10. We are currently exploring the possibility of using EUCARIS for investigation purposes under the CBE. Would you say that open access by administrative bodies to EUCARIS would be technically manageable as compared to access only by national contact points? (e.g. privacy and security considerations)

It is technically feasible to grant access to more NCPs in order to make requests. However, for responses, the principle of only one NCP that is responsible per Member States where information is available should be respected. The reason is the disparity between organisations to find the necessary answer: e.g. information may be organised in several police districts.

Regarding privacy and security conditions, it is up to the Member States to comply with GDPR. EUCARIS supports them by implementing the technical means to support communication and secure exchange of information. However, there are two issues:

1. The information providing Member State is not familiar with all administrative bodies that are allowed to make requests under a certain legislation. If a request is made via an NCP, it is the responsibility of this NCP to check whether the requesting party is indeed a Competent Authority as meant in the EU legislation in question and has been designated by the responsible Ministry in the MS in question.
2. Once the response message with the requested data has arrived in the requesting MS, it is the responsibility of that MS to guarantee that the data is processed in a legitimate way. In case of data breaches, the NCP may play a role in the necessary investigations and follow-up.

So although there are no technical problems for EUCARIS to deal with a multitude of requesting administrative bodies, we strongly advise to stick to the current architecture of data exchange between MS via one or a limited number of NCPs.

11. Could you please describe us the process under the Salzburg Forum on how EUCARIS is used for the investigation of an offender? (incl. e.g. national contact point, centralised system or bilateral exchanges, passing on the request)

For the procedures at national level within the Salzburg countries we refer to these countries. The involvement of EUCARIS ends once the information has arrived at the NCP.

There are four services in place:

1. Exchange of information to request of driver (driver at the time of infringement).
2. Checking the address (stored maybe elsewhere and not included in data exchange).
3. Service the information letter sent by ministries of justice or other responsible organisations.
4. If all fails and investigation has not resulted in payment: possible to exchange the final verdict of the court for the effectuation of the financial penalty in the country of registration (a lot of documents exchanged with mostly unstructured data in attachments).

12. For the electronic exchange of evidence, we are looking into the potential use of EUCARIS (to act as a dedicated cross-border investigation/enforcement CBE portal). Could you comment on this possibility?

It is a possibility for the CBE Directive to use EUCARIS for the exchange of information for investigation purposes (as is done under the Salzburg Forum). However, the EU legal basis should be made available. This could be an addition to the current CBE legislation, especially for the services 1-3 mentioned under question 11.

Next to that, it is thinkable to use service 4 under the current EU legislation for mutual police assistance, Framework Decision 2005/214/JHA.

13. Under the Salzburg Forum, is EUCARIS used for the exchange of different evidence than prescribed in the CBE, e.g. pictures (facial images)? What are the privacy rules and affiliated data protection measures?

Technically, EUCARIS can provide the service to exchange different types of evidence.

Within the Salzburg Forum, the organisation involved in the exchange of evidence is arranged differently in each Member State. The information goes through the NCPs and then carry on investigation through other authorities. There is a possibility of

interconnection through NCPs, however, differences can arise that the process is smoother in one Member State over the other. It is a logical choice to use EUCARIS for this, especially given that it is already technically possible.

A similar functionality to exchange attachments containing unstructured data and facial images is also implemented for RESPER, to check the validity and the originality of a driving licence. RESPER has been implemented in 22 EU Member States as a EUCARIS service and has a secure messaging functionality where a scanned driving licence or pictures can be exchanged.

Within the Salzburg Forum, it is possible to exchange pictures as attachments, but not all Member States have a register of driving licence holders that include pictures. According to the Directive, it is not mandatory to store this information. At the moment, it is not clear in how many countries the information is available.

If we would decide to exchange photos of traffic offenders or of Driving Licence Holders we evidently would need an amendment in the CBE legislation to make this legitimate.

14. If EUCARIS were to be used for investigation purposes, how would the digitalised documents' authenticity be ensured?

Documents' authenticity is entirely dependent on the Member States – they are responsible for the authenticity of documents.

Within EUCARIS, two possibilities exist: structured data exchange and PDF attachments. Authenticity is ensured in the data exchange by providing an electronic signature at both the requesting and responding sides, ensuring the authenticity of the data as well as the documents EUCARIS involved in the signing procedure of the structure data exchange to ensure that the transport of data is guaranteed as well as the authenticity of information.

Next to this data protection during the data exchange, It is possible to add a digital signature on data itself, that ensures that it was delivered by a certain party. This signature is permanent and remains when the data is stored, When documents are exchanged by PDF attachments, EUCARIS is not involved in any requests for these permanent digital signatures, but only in the protection of the data exchange.

15. What is the time necessary to reply to a request for cooperation on investigation by an NCP?

There are various relevant elements:

- synchronous communication and immediate response.
- single request: couple of seconds over Europe.
- broadcasting request to all Member States: 10-20 seconds.

As concerns the potential asynchronous process, the investigation is not carried out by an NCP. Rather, it is carried out by police/municipality/other organisation. Only international communication is by the NCPs and they will send a request for further investigation in the country at hand. It may take weeks before receiving a response, depending on the type of communication used during the investigations, e.g. phone calls, visits etcetera.

Interoperability

16. Currently, under the CBE Directive, EUCARIS only accesses data from the national VRDs. At times, this data is not complete enough to identify an offender. Would you envisage an interconnection with RESPER or other systems/databases to more easily identify the offender?

EUCARIS and RESPER have an existing interconnection, with the legal basis of RESPER set out in the 3rd Driving Licence Directive (which however does not mention EUCARIS). Five of the EU Member States opt to rather use the DG MOVE-provided Central Hub. The other 22 use EUCARIS.

The legal basis is the most important starting point for any interoperability (as the technical feasibility is ensured). It is to be made clear why any additional information is necessary to be included in the CBE EUCARIS exchanges.

In technical sense, Information must be available at the NCP-levels. For example, driving licence data can easily be connected to EUCARIS for the purposes of the CBE Directive because in most countries the same authorities are responsible as for VRD. The necessary data can be copied in with slight modifications. However, if the data is not easily accessible for the NCP, e.g. if the database is at another Ministry, it may become more complex.

There is also a difference in the automated and manual identification of an offender, i.e. done by a camera or a police officer stop. A search via the name of the offender may bring up multiple hits on the address (i.e. owner/holder information or driving licence-affiliated information). At the moment, the driving licence address is not yet available within the CBE Directive, and the penalty notice is sent according to the information found in the national VRD. It is unclear whether the quality and actuality of the addresses in the

Driving Licence Registration is better than in the Vehicle Registration. This should be examined in order to establish if the Driving Licence info has added value.

Within the Salzburg Forum functionality, the driving licence information is **not** accessed through EUCARIS. There is only an exchange of the name and address of the driver, according to the owner/holder of the vehicle. The address might be checked if we would have access to the DL Registration.)

N.B.: The revision of the CBE Directive should look toward the future. It is possible to envisage an automated system where the driver of the vehicle supplies the code of his/her digital driving licence in the car system, thereby making it easy to establish remotely the driver at the moment of a traffic offence (speeding, red light). Therefore it is essential to include driving licence information in the data set of the CBE Directive. (Though not digitised, hired vehicles by private companies record the driving licence information of the holder already.)

17. What is the average time requested when sending out information letters?

In the Netherlands, it takes on average one to two days. Information is delivered to the responsible agency and they react shortly after. It is based on an asynchronous process. This of course differs per Member State.

18. How would an interoperability with other registers or databases be technically feasible? (e.g. cloud infrastructure; other architecture; and stored where)

The main issue to consider is transparency. Member States should be following GDPR themselves, and guarantee that data centres that are used fall under their jurisdiction or under the jurisdiction of the EU. Therefore data storage in the cloud is not always possible. Only a closed/private cloud is a possibility.

As concerns a possible other architecture, a national data centre could be available for all authorities per government and not linked to one specific authority. (Though this point is not relevant for exchanges made for the CBE Directive.)

In the Next Generation Prüm, it is proposed that mandatory information that is available somewhere in the Member States has to be provided. This is also a possibility for the revision of the CBE Directive. Information not necessarily present and available at the responding registration authority then has to be provided, even if it has to be retrieved from another Ministry or Authority.

It is the responsibility of the Member States to connect all databases with their own national infrastructures.

19. What would be the costs associated to such interoperability (other databases, registers)?

The costs for interoperability are to be covered at both levels: EUCARIS and Member States. There are no fees for the exchange of information, only for the development of the software and a basic fee per connection, for overall IT tasks (e.g. monitoring of the system) and to support Member States in keeping the system up and running in the Member States.

The costs may also differ depending on how the national level is organised: if the driving licence information is at another authority and no connection exists, then the costs are driven up on a national level. . There is the possibility to create a new interface (the man-hours and software development may add up to ca. €50K).

The average yearly cost for a Member States amounts up to ca. €35K per year . The generic fee per connection is €24K in 2021 (a country can have more than one connection) and ca. €2-4K per service that is being developed (one-off development costs). Sometimes, certain use groups do not pay additional operational costs, as they are included in the generic fee. Further amounts add up according to the services used by the country at hand and depending on the software that has to be developed. In the Netherlands for instance, €48K was paid for EUCARIS in total for the year of 2021. In countries where less services are used, the costs are ca. €30K.

There was one single case where the European Commission paid for the development of the software ahead of the legislation (EUCARIS was nominated party for the development). In general, Member States pay themselves. (Particularly for the CBE use: all Member States agreed to cooperate via the EUCARIS General Assembly and paid for development of software modules right away.)

N.B.: There exist discrepancies between the Member States, i.e. island countries (MT, CY) and continental countries pay the same fees, whereas there is a large difference in the number of hits from foreign vehicles leading to state income, as well as between countries where more automated systems are in place (camera recognition of speeding).

20. Would EUCARIS be a suitable platform for the exchange of such large quantity of data?

It is technically feasible to exchange a large quantity of data.

EUCARIS CBE is one of many services on the platforms, even if more databases are included in the CBE. Some exchanges take more room and capacity especially vehicle data received from manufacturers. The platform is also highly scalable therefore even if reaching full capacity, a new platform can be added to re-direct information (i.e. upgrading, upscaling, outscaling).

21. Given your close contact with various Member States, do you believe this would be politically feasible?

As for the Next Generation Prüm, it is expected to have important political discussions.

N.B.: The situation is alike to the liability scheme: holder vs. driver liability. (counting on future technology) (easier to exchange driver information)

Section 3: Enforcement of Sanctions

22. Are certificates and/or final decisions sent through EUCARIS for enforcement purposes? If requested, who is the final decision sent by (EUCARIS/e-CODEX) and to whom?

Under the Salzburg Forum, certificates/final decisions are exchanged through EUCARIS (focus on the judicial: step 4 as depicted in question 8). The final decision is made by the court in some countries. If CBE proceedings did not result in payment, the final decision is transferred to the country of registration to collect a fine there. Within the Salzburg Forum, the process is identical to the e-CODEX exchange. However, penalties exchanged with the Salzburg services are related only to traffic offences and e-CODEX focuses on general financial penalties for all kinds of cases.

It is possible to connect EUCARIS and e-CODEX, as well as send requests to transfer final decisions with e-CODEX. A connection is necessary between the two systems in order to communicate. Technically, it is feasible but complex, and requires a legal basis as well. The requirements are not yet clear.

The justice domain supports mutual assistance including the exchange of documents, but is limited to the final step for the transfer of final decisions (not related to investigation). Investigation phase cannot be covered by e-CODEX (only fine collection

phase). In the investigation phase, it is easier to rely on NCPs for the necessary communication.

e-CODEX covers only part of what the Salzburg Forum offers and is under a specific legal framework. Police regulation for mutual assistance is broader, in addition, police may not give priority for these types of investigations related to traffic offences.

The main difference between EUCARIS and e-CODEX is the security. EUCARIS uses the TESTA network of the European Commission, which is highly secure. e-CODEX relies on the open internet and also provides services to private organisations. The Salzburg Forum (particularly Austria) objected to the use of e-CODEX because it is not secure enough compared to TESTA. Furthermore, within the Salzburg Forum countries, the driving offences are covered by the police domain and ministry of interior whereas e-CODEX is made for ministries of justice (exchange of decisions).

The architecture of two systems is also different. EUCARIS always communicates between NCPs and each one is responsible for the authorities within its own State, whereas with e-CODEX there is a directory of addresses of legal stakeholders throughout Europe who are able to send messages to other stakeholders (therefore it should be known who to contact and more is necessary to be known about addressee). e-CODEX supposes to know more about partners.

As for connecting EUCARIS and e-CODEX, both systems can also be used in different phases. EUCARIS is most suitable in the first phase (investigation), and when it is certain that there is no possibility to collect the fine, the second step is transferring the final decision to the other country by using e-CODEX. It also depends on the organisation of the Member State.

23. Are NCPs well-equipped (i.e. staffing and resources)?

NCPs are sufficiently equipped for the exchange of information. EUCARIS, when needed, provides support: service desk available (by email); courses; and visits. Generally, there are no big problems with the data exchange.

However, NCPs are not equipped to also support the follow-up proceedings of CBE offences to make investigations on a driver. It is recommended that the NCPs should not be responsible (may be different per MS). The NCP is usually not in the same unit that is also responsible for investigation. To take the example of the Salzburg Forum, the NCP does not carry out the investigation, but should contact the right authority (useful for the coordination role).

In addition, NCPs also have the GDPR coordination role.

24. For the exchange of final decisions/decisions of courts, is EUCARIS compatible with parallel exchange of documents through e-CODEX? Is this needed according to you?

As depicted above, EUCARIS and e-CODEX are complementary to be used in different phases, therefore there is no need to be compatible.

If absolutely necessary, it is technically possible to establish a connection in the future.

25. Would EUCARIS be a suitable platform to use for storing and exchanging final decisions between Member States?

EUCARIS does not store data but can be used by the Member States as a platform to exchange data between the Member States

26. How would the digitalised documents' authenticity be ensured?

(See question 14) Digital signature remains valid (document cannot be refuted).

27. Does EUCARIS meet the necessary privacy and security conditions as well as data protection for the exchange of such private information? (incl. fundamental rights)

Yes, EUCARIS was subject to an audit and was found to be in line with privacy and data protection requirements.

28. Is there a translation system of all documents?

Translations are not offered for the attached (PDF-)documents. However, universal codes across the Member States are used as much as possible in the structured data in the messages. There is hardly any free text, so translation is not necessary.

29. Are final decisions on penalty notices sent by EUCARIS?

Yes, they are within the services for the Salzburg Forum. (See question 8, step 4)

30. How is the delivery of the notice ruled?

A notification occurs if a country has received the notice (the final decision leading to a financial penalty): respond what has been done and status (e.g. cancelled). The exchange process is organised within EUCARIS including the notification, which is a technical message that indicates that the request has been received and started its processing. However, the outcome of the sanction and payment are not (yet) included in EUCARIS (the latter's involvement ends at the transfer with notification that it has been received).

The delivery of the notice may be added as a software development, provided that there is the necessary legal basis.

Interview guideline – Leaseurope

This document is meant to serve as guideline for an interview concerning the possible revision of Directive (EU) 2015/413 that facilitates cross-border exchange of information on road-safety-related traffic offences¹. This study is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) and runs until September 2021.

This interview serves to get a better understanding of the CBE Directive, issues that affect its functioning and possible improvements. This will help us with identifying where the CBE Directive needs to be revised and what the impact of that revision will be. As an end result, we hope that this revision can lead to a further decrease in the number of road accidents in the European Union.

Special case: vehicle is leased/rented

A particular issue is that, in practice, the CBE Directive only works well for Member States that adopt an owner/holder liability for traffic offences. This means that the holder of the vehicle according to the vehicle register database, VRD, can (ultimately) be held liable for the offence.

Member States that adopt a strict driver liability (**only** the actual driver can be held accountable) require more information to investigate the offence, as they for example need to match the photo (from the speed camera) with a photo to identify the driver. It is the current understanding of the Study team that, in practice, Member States adopting a strict driver liability regime simply do not use the CBE Directive. Measures to overcome obstacles for these Member States are not easily identified.

However, when the owner/holder of the vehicle is a leasing/rental vehicle, measures to improve the identification of the final user/keeper of the vehicle might be possible (since the final user/keeper of the vehicle is generally known by rental companies). It is our understanding that in the current situation, Member States direct information letters to leasing/rental companies, that either request the Member State to forward the offence to the presumed offender or pass on additional costs (resulting from the penalty) to the final user/keeper at the time the offence was committed.

Currently, the study team is identifying measures to improve the investigation process. We would like to know whether it might be possible to completely leave the rental/leasing company outside the investigation process by making use of databases and IT solutions. This would allow for a more streamlined investigation process, and a reduced administrative burden for rental or leasing companies.

To further substantiate the problem analysis and to further shape the measures that could be taken to overcome the problem, we have requested you for an interview.

Besides Leaseurope, also Renta participated in the interview. Renta is a national interest group representing rental and leasing companies in Belgium. XXX closely monitors the CBE-file.

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427192018025&uri=CELEX:32015L0413>

Certain countries in which the owner of the vehicle is directly requested to identify the driver. The technical database exists to exchange the information (for example between FR-NL) via the VRD, but there is no legal basis in the CBE Directive.

Owner/driver liability? In Belgium mixed situation, some fines driver liability, some fines vehicle responsibility/holder. Within one country, the situation is mixed. Specific situation with rental companies in Italy (joint liability), when fine is unpaid, rental companies should be paid. Was confirmed in court sentence last year.

Speeding offences are most common (administrative) and are mainly for owners. Speeding is always a difficult thing, because 'small' speeding offences are administrative but 'large' speeding offences are criminal.

The Problem

1. On an annual basis, how many traffic offences are committed in rental or leased vehicles (in Europe) to your knowledge?

Belgium faces 1,5 million transactions a year (offences committed in rental/leasing vehicles). This is equal to three offences per rental/leasing vehicle per year in Belgium. Leaseurope adds that there are some 22 million rental/leasing vehicles in Europe. Hence, one could expect that in total some 60 million traffic offences are committed in rental/leasing vehicles in Europe. Of course, this also entails traffic offences that are not included in the current scope of the CBE Directive (such as parking offences).

The number of offences however differs greatly per country. A transit/holiday country (such as France) attracts a lot of foreign drivers (sometimes in rental vehicles). However, also countries as Greece are likely to have a lot of offences in rental vehicles, since a lot of tourists fly to Greece and rent a vehicle there locally.

To obtain more information on offences, the countries in which the offences are committed and the license plate of rental vehicles, The Fine Company might have more information. (10-15% of fines processed in NL are incurred from abroad). Leaseurope has provided contact details.

2. Could you please explain the process between the detection of an offence and the identification of the owner/holder of the vehicle?

The process differs from a Member State to another. The situation is also different for leasing and rental. For leasing, the EUCARIS contact point may facilitate the identification of the owner/holder of the vehicle when the information is contained in the registration information (although this works at national level, problems are reported for cross-border fines). For short-term rentals, the situation is more complicated since rental companies cannot keep the driver information for long and/or what happens is a system of double notification in which the authority notifies the rental company that communicates to the local police who was the driver in the rental contract. It is then the local police that will notify the driver.

 - a. When the offence was committed in a rental/leased vehicle, is the penalty notice directly sent to the leasing/rental company or does the authority requests the rental/leasing company to identify the final user/keeper first?
 - b. What steps do rental/leasing companies need to take to ensure that the penalty notice is sent to the actual user/keeper of the vehicle?

Different per country. In general the police conducts the investigation on the offender. First they retrieve the details from the VRD by using the license plate. What happens after differs greatly per country. General leasing companies either need to pay the fine (countries adopting owner/holder liability) or are requested to identify the vehicle driver.

In Belgium, a system has been put in place so that police authorities can request information from a database containing information on the final holder/keeper (lessee) of the vehicle. The police authority then has the obligation to forward the penalty notice to the final holder/keeper, instead of the company. As there is no obligation for rental/leasing companies to register their vehicle in the database (either because they choose not to or because the lessee does not want this), the penalty notice is sometimes sent to the company. The company then has 15 days identify the actual driver. Currently, 60-70% of the fines are directed via the central database and the leasing/rental company is not faced with a burden of identifying the driver.

A similar system is in place in (at least) France, Luxembourg, the Netherlands, Portugal and Germany. Leaseurope indicates that it is willing to discuss some of our questions with their members during a workshop. We would like to make use of this opportunity, and will submit a brief set of questions to further obtain information on these systems.

Examples provided by email

In Luxembourg, foreign authorities cannot access vehicle registration/driver information as a result of the interpretation of Directive 2015/413. In many cases, the leasing company sends them the fine back with the information about the client/driver and then the authority needs to send another fine.

In France, EUCARIS contact point, ANTAI (Agence Nationale du Traitement Automatisé des Infractions - Minister of Interior) receives every day requests, from concerned Member States competent authority, on cars registration number. ANTAI answers the requests, sending all the registration information in the French data base concerning the car. The French registration data base has two addressees: one for the owner and one for the holder. Nevertheless, it is difficult to understand the process of Member states competent authorities. Sometimes the fine is sent to the owner, sometimes to the holder. But also, it may change from one fine to another for the same competent authority. It is very confusing and difficult to manage.

In Portugal, EUCARIS contact point, "Conservatória do Registo Automóvel (CRA)", contains all Portuguese vehicles and is accessed by all sort of entities (police, road police, municipal police, highway toll management companies, tax authorities, etc). In the case of financial leasing, the registry also contains the information of the lessee (holder of the vehicle) in addition to that of the lessor (legal owner). The owner of the vehicle will be notified of the fine directly. In cases where a holder exists and is registered in the Car Registry, the lessee will be directly notified of the fine. In any case, if the lessor receives the fine (be it a financial lessor or operational lessor), he can identify the lessee, so that the national authority issuing the fine can notify the lessee directly. The main issue being reported due to cross-border fines is that financial lessees are not being notified directly even though their information is accessible in the Portuguese Central Vehicle Registry.

In Spain, the Spanish car rental companies do not keep the identity of the vehicle driver and for this reason there is no way they can facilitate the process of finding their name and address. On the other hand, for leasing, in Spain the lessee of the vehicle must be recorded in the Register of the Dirección General de Tráfico (Traffic Authority).

Therefore, it would be reasonable to expect that the cross-border fines would be sent to the lessee as the only one that can communicate who was driving the reported vehicle (except, of course, in the case the vehicle's driver was stopped and identified at the time of the sanction).

In Belgium, the vehicle registration authority only keeps record of the license plate holder (for operational lease and car rental this is the leasing/rental company in most of the cases). Once a traffic fine is sent to the license plate holder. If the license plate holder is a company, the identity of the driver needs to be communicated to law enforcement authorities within 15 days after receipt of the traffic fine. Since a few years, leasing and rental companies can communicate upfront the identity of the driver of a vehicle through a system developed by Renta, the Belgian Vehicle leasing and rental association and the authorities. If the identity of the driver is known in this system, law enforcement is obliged to send the fine directly to the driver. The system is not mandatory and there is a cost related to the use to be paid for by the leasing companies. Almost all leasing companies use the system and some of the car rental companies also make use of the system. We think that Belgian authorities are not communicating the driver identity for foreign requests (this is subject to bilateral agreements between countries).

3. How much time is spent on forwarding the penalty notice to the presumed offender (what are the costs involved)?

Interviewees indicate that they don't have this information instantly available.

4. What is the average admin fee that rental companies charge the final user/keeper if an offence was committed?²

The admin costs of € 15 – € 60 are indicated to be correct, although the bandwidth is quite wide. This likely has to do with the different structure in which leasing companies operate, the availability of IT systems, national procedures etc.

Belgium indicated that, if administrative activities are required (and information was not provided in the central database), the admin fee is likely between € 15 - € 25

5. Is there a central (EU) IT-system in which information is stored on the final user/keeper of a leased/rental vehicle?

EUCARIS works for some countries (especially financial leasing)

- a. If no, do countries, rental and/or leasing companies have IT-systems in place to keep track of this information?

Some countries have, some do not have (also consider Q2).

6. If a (central, EU) IT system exists in which information on the final user/keeper is stored, is this database instantly updated when a new person uses the rental/leased vehicle?

No there is no EU-wide system. Renta adopts one database for all leasing and rental companies in Belgium and authorities make a request in this database.

In Luxembourg the process is not smooth in this regard: the tenant needs to be identified on the grey card (field C.3.1.- C.3.3) along with the owner. In the case of leasing companies, the tenant could be a client company, but there are often other obligations linked to this definition in the local legislation and in case of a switch of the car to another tenant, the car documents need to be changed which is not always an easy process. Therefore, this is hardly ever done.

² According to rentalcars.com, the admin fee is usually between 15 – 60 euros. <https://www.rentalcars.com/en/guides/rental-problems/traffic-fine-in-rental/>

7. Are systems, in which information on the final user/keeper of the vehicle, connected to national vehicle register databases (VRD) or other databases (such as the driving license database, etc.)?
 - a. Are there differences between Member States?

Just as for Q2, a brief set of questions will be directed to members during a workshop.

8. Concerning traffic offences, do rental/leasing companies face other issues with respect to the implementation of the CBE Directive?

Time limits in which offences can be sent and the time limit for payment. Italy now sends penalties to Netherlands from 6/7 years ago because they are just now attached to the system (including fees associated to late payment of the fine). Moreover, in Italy a lot of fines are sent electronically to Italian leasing company in a 'weird' format. There is no official format to share this information with the driver. The information letter provided by Italy does not seem to be authentic and the late time limit for sending the penalty is also considered to be problematic. In some countries, (Germany), companies are not allowed to outsource this administrative work for data protection reasons

Desire to do something with UVAR-offences at the EU level. Moreover, the interviewees do think that more information on vehicle characteristics should be shared between EUCARIS (for example considering pre-registration on UVAR in Antwerp, and information that is bilaterally exchanged between Belgium and Netherlands). Most environmental related UVARs are based on EURO-classifications of vehicles.

Possible solutions

9. Would the exchange of information on the final user/keeper of a rental/leasing company be possible via the exchange of VRD using the EUCARIS platform?

There are no technical issues (EUCARIS can do this), but the legal base is lacking. So, if a legal provision would be present, this is possible.

10. Would the exchange of information on the final user/keeper of a rental/leasing company be possible via the EUCARIS platform (not via the VRD, but by connecting the central IT system to EUCARIS)?

No technical issues. However, this would require an EU-wide system and some degree of harmonization in the way that national databases (considering rental/leasing vehicles) are established. Therefore likely to be problematic from a practical point of view. In some countries, this already happens

11. Would you be in favour of allowing police authorities to conduct searches on the final user/keeper in rental/leasing databases?
 - a. Why (not)?

Leaseurope does not take a formal position. Members need to be consulted, and Ecorys will share a brief set of questions with Leaseurope to be discussed with their members.

12. Would allowing the exchange of information on the final user/keeper reduce the administrative burden for leasing/companies (and result in lower admin fees for presumed offenders)?
 - a. Why (not)?

Yes, but of course only for offences covered by the CBE Directive. It is the current experience that many offences consider parking offences or offences of UVARs. Renta indicated that it could provide some assessment on the number/share of offences that are covered by the CBE Directive.

Chairman of Luxembourg organisation could also provide us with some assessment and the Fine Company might also have some information.

Targeted questionnaire for rental/leasing companies in Europe concerning the CBE Directive

In 2015, legislation on the cross-border enforcement of road traffic offences was implemented by the European Union (Directive (EU) 2015/413, '*the CBE Directive*'). The CBE Directive offers the legal basis for the cross-border exchange of vehicle information in cases where the vehicle is registered in a foreign Member State. This exchange of information facilitates the investigation of road traffic offences and thereby helps identifying the owner/holder of the vehicle in which an offence was committed. Currently, the European Commission is conducting an impact assessment study on the possible revision of the CBE Directive. Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) are conducting a supporting study.

Under the CBE Directive, *information from national vehicle register databases (VRD) is exchanged* via an online platform (EUCARIS). Based on the license plate of a vehicle, in which a traffic offence is committed, police authorities can request information on the registered owner/holder of a vehicle.

When the owner/holder of the vehicle is a company (for example in the case of a rental/leased vehicle), the company is often provided with a penalty notice. The rental/leasing company then either has to identify the driver at the time in which an offence is committed, or is held liable for the offence and is requested to pay the imposed fine. It is our understanding that this leads *to an administrative burden for rental/leasing companies*, that might be overcome. In order to understand how a measure to do would tackle the administrative burden, we would like to ask you a few questions.

Some vehicle register databases (VRD) of Member States include information on the final user/keeper in the case of a rental/leasing vehicle. However, sharing this type of information (via EUCARIS) is currently not allowed under the CBE Directive because the legal basis is missing.

1. To your information, which EU Member States include information on the final user/keeper in the *national vehicle register databases*?
Not applicable in The Netherlands, except private lease where the user/keeper is also the lessee.
2. To your information, which EU Member States adopt some kind of national system for rental/leasing companies in which information on final user/keeper is stored *outside of the vehicle register databases*?
Not applicable in The Netherlands
 1. To your information, Is there an automated system for authorities to access the national system to identify presumed offenders directly (e.g. without first contacting the leasing agency)
Not applicable in The Netherlands, except private lease where the user/keeper is also the lessee.
3. It is our understanding that rental companies charge final users/keepers of the vehicle an *administrative fee if a fine is committed*, to incur the costs borne by rental/leasing companies resulting from administrative activities (e.g. they need to inform the Member State on the final user/keeper of the vehicle at the time the offence was committed).

To your information, what is the *(average) size of the admin fee* that rental/leasing companies charge road users when an offence is committed?

The admin fee for handling fines is approx. between € 5 - € 15

4. To your information, how often do you receive a penalty notice or an information letter for a traffic offence, by a foreign authority?

Depending on the size of the leasing company and the type of customers/drivers this can be hundreds or thousands per year.

5. Would you be in favour of providing police authorities *access to information* on the final user/keeper if this information is stored *within the vehicle register databases* (so that companies are not involved in the investigation process anymore)?

If the process of foreign fees could be aligned with the national processes (data exchange & timing) there is no need to store data in an external database. External databases create an extra timing risk and privacy issues.

6. Would you be in favour of providing police authorities *access to information* on the final user/keeper if this information *is stored in databases other than the vehicle register database* (so that companies are not involved in the investigation process anymore)?

See answer above.

Targeted questionnaire for rental/leasing companies in Europe concerning the CBE Directive

In 2015, legislation on the cross-border enforcement of road traffic offences was implemented by the European Union (Directive (EU) 2015/413, '*the CBE Directive*'). The CBE Directive offers the legal basis for the cross-border exchange of vehicle information in cases where the vehicle is registered in a foreign Member State. This exchange of information facilitates the investigation of road traffic offences and thereby helps identifying the owner/holder of the vehicle in which an offence was committed. Currently, the European Commission is conducting an impact assessment study on the possible revision of the CBE Directive. Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) are conducting a supporting study.

Under the CBE Directive, *information from national vehicle register databases (VRD) is exchanged* via an online platform (EUCARIS). Based on the license plate of a vehicle, in which a traffic offence is committed, police authorities can request information on the registered owner/holder of a vehicle.

When the owner/holder of the vehicle is a company (for example in the case of a rental/leased vehicle), the company is often provided with a penalty notice. The rental/leasing company then either has to identify the driver at the time in which an offence is committed, or is held liable for the offence and is requested to pay the imposed fine. It is our understanding that this leads *to an administrative burden for rental/leasing companies*, that might be overcome. In order to understand how a measure to do would tackle the administrative burden, we would like to ask you a few questions.

Some vehicle register databases (VRD) of Member States include information on the final user/keeper in the case of a rental/leasing vehicle. However, sharing this type of information (via EUCARIS) is currently not allowed under the CBE Directive because the legal basis is missing.

NOTE 1: "*The rental/leasing company then either has to identify the driver at the time in which an offence is committed, or is held liable for the offence...*" is not correct. The rental/leasing company might have to **identify the lessee (not the driver)**. The rental/leasing company has no way of knowing who the driver is at the time an offence is committed.

NOTE 2: The largest problem with the CBE Directive is that each country has a different way of processing fines which makes it a burdensome bureaucratic problem for lessors to comply with. Additionally, some countries only allow for the identification of the driver which, as explained above, is impossible to do for lessors.

1. To your information, which EU Member States include information on the final user/keeper in the *national vehicle register databases*?

In Portugal, in the case of a Financial Leasing both the lessor and lessee are registered in the national vehicle register database.

When it comes to Operational Leasing, only the leasing/rental company is registered on the national vehicle register. There is no information on national databases on the keeper/user of the vehicle so the Operational Leasing company will always have to reply to the authorities' notice to identify the lessee of the offending vehicle.

2. To your information, which EU Member States adopt some kind of national system for rental/leasing companies in which information on final user/keeper is stored *outside of the vehicle register databases*?

1. To your information, Is there an automated system for authorities to access the national system to identify presumed offenders directly (e.g. without first contacting the leasing agency)

In Portugal, information is only stored on the Vehicle Register Database (specifically, in the “Conservatória do Registo Automóvel” run by the public entity “Instituto dos Registos e Notariado – IRN”).

In the case of Financial Leasing, authorities identify the user of the vehicle through this database.

In Operating Leasing, only the leasing/rental company is registered on the database, so they always need to identify the lessee of the vehicle, when prompted to that effect.

3. It is our understanding that rental companies charge final users/keepers of the vehicle an *administrative fee if a fine is committed*, to incur the costs borne by rental/leasing companies resulting from administrative activities (e.g. they need to inform the Member State on the final user/keeper of the vehicle at the time the offence was committed).

To your information, what is the *(average) size of the admin fee* that rental/leasing companies charge road users when an offence is committed?

Many companies do not charge any administrative fees for this service. Some might charge a (small) fee.

4. To your information, how often do you receive a penalty notice or an information letter for a traffic offence, by a foreign authority?

As a National Association, we do not have enough information to give an average number of letters received by our members but they receive them in a sufficient number to become operationally relevant.

5. Would you be in favour of providing police authorities *access to information* on the final user/keeper if this information is stored *within the vehicle register databases* (so that companies are not involved in the investigation process anymore)?

For Financial Leasing, where the information of the lessee exists in the national database, yes, we would be in favour of this as it will take administrative burden from the companies.

For Operational Leasing, where there is no information regarding the lessee, we do not agree.

Police authorities or Road Fine Authorities should have access to the national vehicle register databases as they exist throughout Europe: if a lessee is registered, they get notified directly. If a lessee is not registered, the normal process of notifying the owner company should ensue.

6. Would you be in favour of providing police authorities *access to information* on the final user/keeper if this information *is stored in databases other than the vehicle register database* (so that companies are not involved in the investigation process anymore)?

As in Portugal, our vehicle register database has the information needed, there should be no need to access another database.

If an alternative database is required, we would need to analyse its legal basis first, to be able to issue a position.

Targeted questionnaire for rental/leasing companies in Europe concerning the CBE Directive

In 2015, legislation on the cross-border enforcement of road traffic offences was implemented by the European Union (Directive (EU) 2015/413, '*the CBE Directive*'). The CBE Directive offers the legal basis for the cross-border exchange of vehicle information in cases where the vehicle is registered in a foreign Member State. This exchange of information facilitates the investigation of road traffic offences and thereby helps identifying the owner/holder of the vehicle in which an offence was committed. Currently, the European Commission is conducting an impact assessment study on the possible revision of the CBE Directive. Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) are conducting a supporting study.

Under the CBE Directive, *information from national vehicle register databases (VRD) is exchanged* via an online platform (EUCARIS). Based on the license plate of a vehicle, in which a traffic offence is committed, police authorities can request information on the registered owner/holder of a vehicle.

When the owner/holder of the vehicle is a company (for example in the case of a rental/leased vehicle), the company is often provided with a penalty notice. The rental/leasing company then either has to identify the driver at the time in which an offence is committed, or is held liable for the offence and is requested to pay the imposed fine. It is our understanding that this leads *to an administrative burden for rental/leasing companies*, that might be overcome. In order to understand how a measure to do would tackle the administrative burden, we would like to ask you a few questions.

Some vehicle register databases (VRD) of Member States include information on the final user/keeper in the case of a rental/leasing vehicle. However, sharing this type of information (via EUCARIS) is currently not allowed under the CBE Directive because the legal basis is missing.

1. To your information, which EU Member States include information on the final user/keeper in the *national vehicle register databases*?

Answer: Information on the lessee is recorded in the national vehicle register in Sweden.

2. To your information, which EU Member States adopt some kind of national system for rental/leasing companies in which information on final user/keeper is stored *outside of the vehicle register databases*?

1. To your information, Is there an automated system for authorities to access the national system to identify presumed offenders directly (e.g. without first contacting the leasing agency)?

Answer: Authorities can access data base upon request.

3. It is our understanding that rental companies charge final users/keepers of the vehicle an *administrative fee if a fine is committed*, to incur the costs borne by rental/leasing companies resulting from administrative activities (e.g. they need to inform the Member State on the final user/keeper of the vehicle at the time the offence was committed).

Answer: Yes, an admin fee is being charged the customer in case of fines.

To your information, what is the *(average) size of the admin fee* that rental/leasing companies charge road users when an offence is committed?

Answer: An admin fee of 500kr is being charged for each fine.

4. To your information, how often do you receive a penalty notice or an information letter for a traffic offence, by a foreign authority?

Answer: Multiple cases on a weekly basis.

Would you be in favour of providing police authorities *access to information* on the final user/keeper if this information is stored *within the vehicle register databases* (so that companies are not involved in the investigation process anymore)?

Answer: Yes, provided that there is no legal matter against such action.

5. Would you be in favour of providing police authorities *access to information* on the final user/keeper if this information *is stored in databases other than the vehicle register database* (so that companies are not involved in the investigation process anymore)?

Answer: Yes, provided that there is no legal matter against such action.

Interview guideline – FIA and ADAC

This document is meant to serve as guideline for an interview concerning the possible revision of Directive (EU) 2015/413 that facilitates cross-border exchange of information on road-safety-related traffic offences¹.

This study is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) and runs until September 2021.

This interview serves to get a better understanding of the CBE Directive, issues that affect its functioning and possible improvements. This will help us with identifying where the CBE Directive needs to be revised and what the impact of that revision will be. As an end result, we hope that this revision can lead to a further decrease in the number of road accidents in the European Union.

Penalty notice

- Sufficient information (regardless of language) for German motorways. Sometimes notices are not properly translated. Italy lacks sometimes description of offence. Time limit in Germany is fairly short (3 months), in other countries it is 1-2 years. Many problems with Italy. Italian law states that notice should be served 360 days after offence, after 1 year, payment expires. It is found that many notices are sent later. Italy² states that the time period of 1 year starts, after the ~~information on the offender is gathered~~ the day of the offence. Germany feels that this reduces the deterrent effect from notices. ADAC proposes that the EU should adopt a time limit within the EU for serving penalty notices, so that people are more aware and more likely to pay the fine.

After one year, the German driver is more likely to have forgotten about the offence and therefore not be inclined to pay voluntarily. A driver is more likely to pay voluntarily if fines are received earlier.

FIA adds that these time limits are also observed for other countries.

- In many cases it is clear that the penalty notice is authentic. Only when it comes from a debt collection company, the driver can be in doubt. In other cases, there is not a clear problem. In some seldom cases, non-translated penalty notices are questionable. ADAC states that penalty notices send by debt collecting agencies can occur relatively often. It is also something that is increasing over time (more countries start using collection agencies). Two years ago, there were about 800.000 cases in which (German) debt collection agencies were involved (includes also non-CBE offences). The actual number might be higher, because Italian, Hungarian and UK debt collection agencies

[In recent years, more and more private German, British and Italian collection service agencies have discovered the collection of fines from road traffic violations as a lucrative market. Also, their intervention bypasses EU Framework Decision 2005/214/JHA.](#)

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427192018025&uri=CELEX:32015L0413>

² According to Italian law, the formal notice of a fine for persons residing abroad must be served within 360 days after the offence has been established, otherwise the obligation to pay the fine expires (Art. 201 para. 1 sentence 4 and para. 5 Codice della Strada, CdS). In practice, it can be observed that penalty notices and demands for payment for a traffic fine are often only sent many months after the violation - often even after the 360 days have expired. However, according to the case law of Italian courts of justice of the peace (Giudice di Pace), the decisive point in time for the commencement of the 360-day limitation period for service is the day on which the alleged offence was committed. Italian authorities are nevertheless often of the opinion that the time limit of Art. 201 para. 2 CdS only starts to run when the holder's details are known and not from the date of the offence.

Pioneers in this field were the Scandinavian countries (Norway, Denmark) and the Netherlands (municipal parking taxes), which started to commission private collection service agencies with the collection of claims from parking and toll violations more than 20 years ago. At present, it is mainly fining authorities from southern and south-eastern Europe that make use of this way of enforcing claims - sometimes with a lot of imagination and insistence. These are not only claims under civil law (such as parking or toll fees), but also claims under public law for fines arising from road traffic violations. The fact that German debt collection agencies are also making demands on German drivers in these cases and in some cases threatening Schufa entries (Schufa = the German creditworthiness register) is questionable: On the one hand, there are uniform EU legal instruments for the enforcement of public-law monetary sanctions, such as the EU Framework Decision 2005/214/JHA. On the other hand, the Federal Office of Justice (Bundesamt für Justiz, BfJ) is exclusively responsible for granting their enforcement according to § 74 para. 1 sentence 4 IRG (Law on International Mutual Assistance in Criminal Matters).

In practice, the most frequent cases in this regard are from Italy: Italian legislation allows the provinces and their municipal police authorities to also use private service companies specialised in this field, such as Nivi S.p.A., to prosecute traffic violations committed by foreign drivers. This concerns public-law sanctions imposed by the respective municipal police authorities, such as unauthorised driving in restricted inner-city zones (Zone a traffico limitato / ZTL), stationary traffic violations or speed limit violations.

In addition, the London-based collection service agency EPC plc collects fines from parking violations on behalf of numerous European municipalities.

- Content of the penalty notice has improved, especially with penalty notices from the Netherlands, in terms of the language used. Italy tries to write in Germany, however, especially when the notice comes from southern Italy, it can happen that it includes unclear translations (e.g. using Google Translate). France now also properly translate their penalty notices to Germany. Some countries do not translate to the national language, but in English, for example Spain. Eastern Europe (Poland, Czech) issue letter in English.
- This is confirmed by FIA, but there are still some issues (especially considering language regime). Sometimes letters are translated, but the translation is poor (hence, the offender still does not understand the penalty notice). Location and circumstance of the issuing country matters, for example, in the case of Portugal (only one border), the investment in translating the notices is not achievable considering potential benefits.

Appeal procedure

- In Italy, appeal procedures should be made in Italian. If the appeal documents are not in Italian, appeal is unsuccessful. This also applies for other Member States, the appeal procedure itself takes place in the language of the Member States. Normally, communication is quite okay, up until the point of starting an appeal procedure. The communication on how to do the appeal procedure is positive.
- The time a driver spends on understanding the penalty notice and the appeal procedure, depends on the language used. If properly translated, the content can be quickly understood. However, many people are likely to seek additional legal advice because they are not aware of the legal regime in the other countries. This takes a little more time. Dedicated portal for drivers is proposed/applauded.

Enforcement phase – Cross-border enforcement of a driving disqualification

- Driving disqualifications: every country has its own definition – this makes it difficult to approach this, every offence is also different.

Two case scenarios: (i) the disqualification is imposed on the spot, depending on the MS, the driver is allowed to travel to his destination and/or the closest border, and (2) driver is informed that he/she is banned, later after his/her trip

Case 1: The disqualification is imposed on the spot in the country of travel and the driving licence is confiscated.

In this case, the following questions arise:

- Is the driver still allowed to drive to his destination or drive back to the border? In Italy this is still allowed, but not in France.
- What happens to the driving licence document? How and when does the driver get it back? In practice, it often takes many weeks and months before the driving licence is returned to the driver. Art. 42 para. 1 lit a) of the Vienna Convention on Road Traffic of 1968 actually stipulates that the driving licence must be handed out to the driver again at the latest when the driver leaves the country - in practice, however, this is never done.
- Are the authorities allowed to confiscate the foreign driving licence at all?

The driving licence was confiscated in the country of travel. Is the driver allowed to drive in his or her country of residence and in other countries?

- How long does the driving disqualification last? How will the driver be informed about the duration, especially when it ends?
- What are the legal appeals against the driving disqualification?

Case 2: The driver is informed by the foreign authority by letter that he has been banned from driving only sometime after the traffic offence abroad and after his return to his country of residence.

In this case, the following questions arise:

- o From when and until when does the driving disqualification apply?
- o Does the driver have to send his driving licence to the foreign authority so that they can retain it or so that the driving disqualification can start (e.g. as in Germany)?
- o How can the foreign authority find out that a driving ban has been imposed on a certain driver abroad?
- o What legal remedies are there against the driving disqualification?
- o In which countries am I allowed to drive during a driving disqualification?

Road Safety related UVARs

- Some issues with UVARs: Pre-registration, non-harmonized Framework, impossible to keep track of UVARs by Commission, as this is rapidly changing and UVARs that are announced on a short notice (depending on the weather, for example in France).
- Besides these issues, information is lacking and there is a serious fear that inclusion of UVAR offences might lead to foreigners feeling 'bullied'/'not welcome', as they get a penalty for something they did not know existed.

Any other issues

- Data protection in the exchange of information (which might be done differently per MS) should be properly addressed

Interview guideline – VNG

This document is meant to serve as guideline for an interview concerning the possible revision of Directive (EU) 2015/413 that facilitates cross-border exchange of information on road-safety-related traffic offences¹.

This study is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) and runs until September 2021.

This interview serves to get a better understanding of the CBE Directive, issues that affect its functioning and possible improvements. This will help us with identifying where the CBE Directive needs to be revised and what the impact of that revision will be. As an end result, we hope that this revision can lead to a further decrease in the number of road accidents in the European Union.

General info

- VNG

UVARs

The study is investigating whether the violation of Key-ARS could be included in the scope of the Directive. With Key-ARS (Key Access Restriction Schemes), reference is made to the following Urban Vehicle Area Regulations:

We identified the following 'Key-Access Restriction Schemes' (Key-ARS) as the most important road- safety-related UVARs:

- Limited Traffic Zones (gelimiteerde verkeerszones)
- Areas/zones with restrictions for vehicles of particular weight/category (e.g. lorry or truck, bicycle, ...) or for specific trips (e.g. delivery, emergency, ...)
- Areas/zones with specific technical requirements for vehicles (e.g. the obligation to have installed specific rear mirrors or a safety wing mirror)
- Access/delivery time windows (los en laadtijden)
- Traffic bans (verboden verkeerszones)
- Pedestrian Zones (protection of vulnerable road users) (voetgangerszones)

1. What type of the above mentioned Key-ARS are most likely to be found in Dutch Municipalities?

- In the city of Rotterdam, the most common ones are time windows. This is, for example, common around school areas and near stores. Time windows improve the liveability and the traffic safety of an area.
- Other specific areas are pedestrian zones, areas/lanes specifically for public transport, stand-alone bicycle paths, emission related areas. Especially this latter group, while it is not their primary objective, have a large impact on road safety, for instance when heavy duty trucks are substituted by vans, delivery bicycles, etc..
- Zones with speed limitations are now also related to environmental objectives. This creates a mix between environment and safety.

2. How are violations of the Key-ARS detected (with video cameras, manually and/or physically)? Will this change in the future?

- Different combinations of detection methods are used, but physical barriers are the most common as well manual checks by police agents

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427192018025&uri=CELEX:32015L0413>

- In some areas, cameras are used for enforcement, often to detect incoming vehicles in certain areas. In some cases, no enforcement is done
3. Is there any data on violation of these types of Key-ARS, especially on foreign offenders?
 - The RDW likely has figures for the number of violations to UVARs, but the percentage by foreign vehicles is small. In the city of Rotterdam, the percentage of foreign vehicles is 3-5%. Although the number of violations that this group commits will be likely very small, local companies and local politicians demand a level playing field between local and foreign drivers. It is likely that this is higher for cities closer to national borders, such as Roermond and Maastricht.
 - What could happen, especially in tourist cities, is excluding touring cars (which are likely to have a foreign license plate) from city centers
 4. In your expert opinion, what are the reasons for including Key-ARS (urban area where access is regulated with methods other than payment and is not linked to environment protection) related offences to the scope of the CBE Directive?
 - Technically, it could be possible (with the application of Eucaris). The effectiveness could be increased, but the RDW would have a better view on this, as they are responsible for enforcing penalty notices, not the municipalities.
 - A more safe urban environment and, as mentioned above, a level playing field between local drivers and foreign drivers.
 5. Do you consider the application of Key-ARS (urban area where access is regulated with methods other than payment and is not linked to environment protection) in your country/municipality, or generally in the EU as **an obstacle to free movement of persons and goods**? If yes, please explain why.
 - In itself, Key-ARS don't provide an obstacle to free movement of persons, but it is related to equal treatment of EU citizens.
 - Reference is made to the civitas project: <https://civitas-reveal.eu/>
 - Further developments might also provide influences, e.g. sensors in cars / data collected by car manufacturers. There is a possibility here for enforcement and collecting vehicle data. Finally, there are also some issues with rental cars and shared cars/bicycles, namely, who is responsible for violations?
 6. Final notes:
 - Municipalities have a large policy agenda. At present, most "movements" are in urban area's creating a direct connection with emission reduction and liveability and road safety. That is also where the CBE Directive could still provide a larger role.
 - SUMP's are also central to this regard. Regional mobility always has a relation to road safety and sustainability. They are connected. The VNG calls to take this into regard.

Ecorys (lead), Grimaldi, Wavestone

Interview Minutes: Austria

DG MOVE, European Commission Study on the possible revision of
Directive (EU) 2015/413

5-21-2021

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Summary

Thank you for your interest in participating to the interview to support the European Commission in conducting a study on the possible revision of Directive (EU) 2015/413 that facilitates cross-border exchange of information on road-safety-related traffic offences¹.

This study is conducted by Ecorys (lead), Grimaldi, and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) and runs until September 2021.

This interview serves to get a better understanding of the CBE Directive, issues that affect its functioning and possible improvements. This will help us with identifying where the CBE Directive needs to be revised and what the impact of that revision will be. As an end result, we hope that this revision can lead to a further decrease in the number of road accidents in the European Union.

Personal data will be processed according to the Regulation (EU) No 2018/1725 on the protection of individuals with regard to the processing of personal data. No citations will be used in the report to the Commission, and any information retrieved from the interview will be processed in an anonymous way.

Thank you for your time!

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427192018025&uri=CELEX:32015L0413>

Context

Salzburg Forum (SF): eight neighbouring countries to cooperate for CBE. Elaboration was done together and not all countries had signed. Prüm Treaty incorporated into EU law, using EUCARIS. SF established in legal and technical way.

Recommendation to open the CBE Directive to include the SF in a certain way.

Section 1: Detection phase (detecting the offence)

1. Should the CBE Directive be extended to also cover other road traffic offences?
 - a. If so, which offences should be added to the scope?

The SF exists in addition to the CBE Directive. There were discussions whether to make the SF broader, however it was decided to not do that.

Discussions on the revision: evident that more has to be there. 8 types of traffic offences are the most relevant ones. CBE is mainly about speeding. 1.5 million CBE cases every year in AT (after DE and FR). Not only about enforcing offences, CBE should also be about road safety. There are other relevant offences of course. AT + CH and DE and LI: cooperation with EUCARIS platform but different service (Vehicle owner & holder). Open to all kind of traffic offences (also including parking offences).

Since 2019, AT agreement with DE called CBE Plus: many types of vehicle-related offences but not all. EUCARIS toll, for example, is not included. It is recommended to follow an approach that includes all kinds of traffic offences and not only safety related. Always up to the MSs what offences they include in what: what is use of forbidden lane. Austria supports a broader scope of offences. They aim for data exchange across Europe for parking offences. EUCARIS VAT (vehicle related fraud) tried to be included but it was decided not to.

CBE challenges competences that are beyond DG MOVE: but it should go beyond DG MOVE. The enforcement chain is more about DG JUST. (emissions, UVARs)

SF offences are the ones set out in the CBE Directive. But other agreements go beyond.

Section 2a: Investigation phase (identifying the presumed offender and its contact details)

Investigation

2. Could you elaborate on the steps taken in the investigation process (between the automatic detection of an offence and the submission of a penalty notice) in case the vehicle involved has a foreign registered license plate?

- a. What is the main difference in the investigation process when investigating a vehicle with a domestic registered license plate?

Difficulties in seeing clear what are the relevant gaps and phases and where they end. To Mr. Stelzer's understanding, investigation starts when the authority gets the case on the table.

Case of AT: radar photos are detected and go to the police who check them. Every case takes less than a minute. Cross-checking whether the fields are filled out correctly. Then finding out the country of registration. Some MSs have automated mechanisms but they often do not work satisfactorily (many MSs have similar syntaxes) which often leads to problems between the countries. Fill out the type of vehicle (lorry, motorcycle, etc.). then electronic request to foreign database. Then the investigation phase ends. Beyond 90% efficient for positive answers.

Where does the investigation end though? Enforcement starts with cross-border execution. There has to be a final decision. A ticket is not the end of investigation (in standard cases). In application, everything is automatically implemented. CBE is 99% cases about speeding. Have all the translations implemented in the application. For example, working on Italian case in AT: may be dropped. The question arises whether the person in other countries pay, and it was found that more than 60% pay. It also depends on the country for how many pay within them. Then these cases are finished. When there is no reaction: further entering into each case. There are information letters. There has to be more sophisticated forms translated into multiple languages. Ask the person to pay and disclose who the driver was. Ends when there is a proof of service that a foreign offender or holder has received the notification and if he has not paid nor reacted: final decision. (third phase)

CBE: cross-border 'enforcement' but it means procedure and using the framework decision. CBE is more about the exchange.

National and foreign licence plate: where does the difference arise when executive financial penalty. (detection is insignificant difference). Investigation: similar steps because tickets go out easily. If more severe offence: becomes national level. No legal differences. If there are differences: more practical.

Central database of national database. Driving licences are not considered when talking about CBE. CBE is traditionally about VRD. In many countries it is hosted by different ministries.

AT never uses EUCARIS directly: use backend systems. Police officers make notice to authorities and backend systems run the procedures. But they never work directly within EUCARIS.

3. Do you need additional information from the Member State in which the foreign vehicle is registered to investigate the offence (for example to identify the driver)?
- Could you elaborate on what kind of evidence you need from another Member State?
 - What (legal) instruments are you using to further gather evidence on the presumed offender?

/

4. Could you provide us with an assessment on the (average) time spent investigating an automatically detected offence when the vehicle involved has a domestic registered license plate?

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5. Could you provide us with an assessment on the (average) time spent investigating an automatically detected offence when the vehicle involved has a foreign registered license plate?

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6. Besides the topics discussed above, are there any other substantial differences in the investigation process between domestic offenders and foreign offenders?

/

7. In your opinion, what is needed on the EU level to ensure that the investigation process to identify the foreign offender can be made more effective and/or efficient?

MSs to have objective responsibility and driving responsibility.
Objective: send ticket to the holder and reach final decision. Not as complicated as for those who have driving responsibility.

Sweden only uses EUCARIS for inbound request and not outbound because they have a very strict driving liability. Many MSs want a holder liability and effective responsibility. It would be interesting for countries with driving responsibility if an obligation was implemented for MSs that don't have driver responsibility that are obliged to assist in the identification of the driver.

Liability regime: within SF all states have same liability regime? In SF only 4 MSs and others observed to decide whether to join. Many countries have driver responsibility. Hungary has a holder responsibility too. There is a mixture between liability systems. Grimaldi proposes harmonisation: tough thing to do. In DE it is very strong in the Constitution: a holder responsibility as a European obligatory standard is not realistic. Harmonising: if there is a thing such as CBE, it is the start for something big. It would be fair to accept that existing liability regimes where half have owner responsibility and the other half driver responsibility. Fair to request a better balance. Make a strong position to find out who the driver was.

Penalty notice

8. Do you have a standard template for the penalty notice when the identified presumed offender has domestic residence?

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9. Do you have a standard template for the penalty notice when the identified presumed offender has residence in another Member State?

/

10. When the presumed offender lives abroad, do you automatically translate the penalty notice to a language that the presumed offender understands?
- a. Could you provide us with an assessment on the costs that are involved in translating the penalty notice?

/

11. How do you ensure the authenticity of the penalty notice?

/

12. Is the presumed offender able to obtain additional information on applicable sanction schemes, appeal procedures and legal safeguards in a language that he or she understands (for example via a website)?

a. If so, does the information letter for the penalty notice include a reference to this information?

/

Section 2b: Investigation of road traffic offences (Salzburg Forum)

13. How is EUCARIS used for the investigation of road traffic offences in light of the Salzburg Forum? On which legal basis is EUCARIS used? Are the Prüm Decisions considered?

National legal bases for the use of EUCARIS: such as CH and LI. Same as CBE. Same in Germany. And looking at what is on top of CBE directive is a specifically designed EUCARIS application. Took some years to develop and also have an implementing agreement.

Prüm: historically talking about Prüm Decisions and eventual context with CBE. They are also about electronic VRD data exchange but for different purposes. Also about investigation of criminal offences and security police and only in 2008 and before the CBE there were certain countries that used to think that Prüm VRD can be used for CBE but at the time was not there. From 2011; it was not legally sound anymore to argue the use of Prüm for CBE so it does not make sense to use the VRD mechanism. It is about counter-terrorism.

SF: not taking Prüm into account and rather use EUCARIS instead. Different legal feed. The only thing that Prüm and CBE have in common is that they are related to vehicles. In Prüm it is relevant because of the terrorist attack and had to find photo of foreign vehicle to find who was the holder. So, it is more about investigation of criminal offences whereas the CBE about cross-border offences.

Prüm = DG HOME; CBE = DG MOVE/JUST. No discussion about bringing everything into one box.

Revision of Prüm Decisions on the way: SF is also involved in this especially concerning VRD data exchange. DG HOME will provide COM proposal this year. It is a different aspect.

In relation to technical way that information is exchanged? A bit too much copy-paste in the Directives. Technical specifications: very similar and also legal act of CBE Directive, more discussion of data protection. Relevant to enable the working of CBE.

14. Is your country using EUCARIS under other conventions (e.g. EU legislation, Prüm Decisions)?

/

15. Would you support police to police communication through EUCARIS?

Tricky to use the term 'police': when looking at the MSs it is a very different legal concept of what police is.

Identifying residence of the offender. Who is doing the investigation research in SF? Matches in Salzburg CBE box: realistic need if because of the VRD registers it doesn't take long. Manual work. Sometimes receive an answer and sometimes the data is not correct. If the ticket is sent out and there was no reaction and maybe address is not available. Develop a specific application where to make a request to send to the country. So, whoever is then responsible in country B, will research it (the national CBE contact point). A national decision so there shouldn't be a harmonisation how things should be tackled on a national level. There is not practical need but there might be resistance to intervene. Things run differently on the national level and there might not be need for this.

Digitised requests that do not have to be translated. If request is sent to HU is sent in German but what language does it come out in HU. How to legally qualify this process: it is different to say 'police' in the various countries. A term to avoid when talking about CBE.

The idea is that there should be a national contact point whose position should be strengthened who takes care of relationship with relevant authorities.

The concern is timing: the ones supposed to deal with it and they do their own way. The idea is to make sure that NCPs are connected. Especially in relation to the deadlines and timing and how each MS could deal with each request.

We should talk about mutual legal assistance. Comes into legal feed of authorities (may not be police in every country). Legal acts are existing and not digitised the way they should be. And they should be integrated in CBE Salzburg cooperation (mutual legal assistance). What is needed for CBE is digitalisation. The reason of thought is acceleration. In CBE, the authority contacts the foreign offender. Cannot be much further accelerated once the case is in the hands of the authority. In country A it is very fast to send to the other country. If it doesn't work: then direct contact with individual. In AT, they are beyond this approach. Now there is the possibility with the countries to have payment in direct contact with individual. Mutual legal assistance (=police to police). if it is about identification of the driver, only accelerate up to a certain point.

CBE should focus on the link between MSs on mutual legal assistance, NCP to NCP. How to accelerate this by means of Directive? Not possible.

16. Concerning the exchange of certificates in a digital form, what would the potential costs be?

Certificates as evidence. Mutual legal assistance to identify legal identity. Need to exchange types of documents instead of 'certificates'. Potential exchange of evidence.

Adequate mechanism for offences.

Costs in terms of detection: not expensive.

In standard cases: no need for evidence.

Mutual legal assistance: no direct costs involved in this. 100,000 euros of investments costs for the backend system (national one). SF has all the translations (60 forms translated into 21 languages which is a certain cost of investments. Make sure that machines are smooth, and those costs are negligible. Always something to do that comes with costs. NCP: there are different ways (salaries and for example their work is 70%).

Sometimes come to exceptions when the photos are necessary. In the investigation procedure, what should be the further procedure that is relevant.

Aim of the study: all MSs make correct use of the instruments.

17. Which privacy considerations would you recommend taking into account?

/

Section 3a: Enforcement phase (cross-border enforcement of a financial penalty)

18. Could you provide us with an assessment on the number (or share) of offences in which the presumed offender pays voluntarily (e.g. without having to go to court), when the presumed offender has domestic residence?

/

19. Could you provide us with an assessment on the number (or share) of offences in which the presumed offender pays voluntarily (e.g. without having to go to court), when the presumed offender has foreign residence?

/

20. If a presumed foreign offender does not pay the penalty notice voluntarily, could you explain the steps that need to be taken to (cross-border) enforce the decision?

- a. What (legal) instruments are you using to enforce a financial penalty abroad?
- b. What is the main difference with the enforcement of financial penalties for domestic offenders?

/

21. Could you provide us with an assessment on the (average) time spent enforcing a penalty when the presumed offender is living in your country?

/

22. Could you provide us with an assessment on the (average) time spent enforcing a penalty when the presumed offender is living in another Member State?

/

23. Do you often require additional information from the issuing Member States when receiving a request to enforce a decision for an offence committed in another country?

/

24. Besides the topics discussed above, are there any other substantial differences in the enforcement process between domestic offenders and foreign offenders?

/

25. In your opinion, what is needed on the EU level to ensure that the cross-border enforcement of financial penalties can be made more effective and/or efficient?

/

Section 3b: Enforcement phase (cross-border enforcement of a driving disqualification)

26. Have you ever attempted to enforce a driving disqualification imposed on a person that is living in another EU Member State?

a. If so, could you please elaborate on your experience with this process?

/

Section 3c: Enforcement phase (EUCARIS)

27. What is your opinion in using EUCARIS as the single platform for exchanging and storing decisions stemming from the Member States as concerns offences under the CBE Directive?

/

28. How would you envisage ensuring the authenticity of the documents?

/

29. What is your opinion of an interoperability between EUCARIS and RESPER and driving disqualification information?

/

30. What is your opinion of using EUCARIS as the single platform for exchanging and storing decisions stemming from Member States in light of other EU legislation on road traffic offences?

/

31. Which privacy and security considerations would you recommend taking into account?

/

Section 4: Other topics

32. Do you experience issues in providing the European Commission with information that is required under Art. 6 of the CBE Directive?

/

33. Are there any other topics concerning the CBE Directive that you would like to discuss?

/

Interview guideline – Member States

This document is meant to serve as guideline for an interview concerning the possible revision of Directive (EU) 2015/413 that facilitates cross-border exchange of information on road-safety-related traffic offences¹.

This study is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety) and runs until September 2021.

This interview serves to get a better understanding of the CBE Directive, issues that affect its functioning and possible improvements. This will help us with identifying where the CBE Directive needs to be revised and what the impact of that revision will be. As an end result, we hope that this revision can lead to a further decrease in the number of road accidents in the European Union.

- Spain

Detection phase – Detecting the offence

1. On an annual basis, how many traffic offences do you detect **making use of ‘automatic checking equipment’** such as speed cameras?

2019: approx. 2.500.000 automatically detected offences. This is number for interurban roads. For urban roads, a different department is responsible. It could be around 1/3 of the total amount.

2. Could you provide some information on **the share of automatically detected offences**, in which the detected vehicle had a foreign registered license plate?
 - 2019: approx.. 1.070 were foreign drivers (detected with speed camera)
 - The majority of the offences are speed cameras.
3. Should the CBE Directive be extended to also cover **other road traffic offences**?
 - a. If so, which offences should be added to the scope?
 - Scope – check the original proposal via the input on the first workshop
 - Foreign objects
 - Defences detected with automatic checking equipment: it is possible to detect with speed camera's, but at the moment, Spain is also using drones to detect offences like mobile – not wearing helmet – might even be able to detect dangerous driving or respecting the distance. Spain is planning on using more drones in the coming years, besides drones, they also use helicopters. (at the moment there are 23 drones, which police uses for offences that are in the Spanish laws) drones are not used for speed. Helicopters are used for speed fines. 216 speed camera's.
 - In favour of extending the scope as much as possible, at a minimum dangerous driving, not enough space

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427192018025&uri=CELEX:32015L0413>

Investigation phase – Identifying the presumed offender and its contact details

Investigation

4. Could you elaborate on the steps taken in the investigation process (between the automatic detection of an offence and the submission of a penalty notice) in case the vehicle involved has a **foreign** registered license plate?
 - a. What is the main difference in the investigation process when investigating a vehicle with a **domestic** registered license plate?
 - They use EUCARIS to identify the owner of the vehicle – this person gets a letter asking him to identify the driver at the moment of the offence. When the owner gives another driver, they have to put in the name and driving license number of the actual driver.
 - If the owner does not respond, does not identify the driver – the owner gets another fine, where he has to pay 2/3 times the amount of the original fine. At the moment, there is an important court case, with the question on, if the driver is not identified, does it still count as a traffic offence?
 - The system is automatic – does not take a long time to identify the driver
5. Do you need **additional information from the Member State** in which the foreign vehicle is registered to investigate the offence (for example to identify the driver)?
 - a. Could you elaborate on what kind of evidence you need from another Member State?
 - b. What (legal) instruments are you using to further gather evidence on the presumed offender?
6. Could you provide us with an assessment on the (average) time spent investigating an automatically detected offence when the vehicle involved has a **domestic registered license plate**?
 - No big difference – the information on the owner/holder of the vehicle. Here they prepare the template/letter, which is then sent to the presumed offender. Here the authority will wait for an answer, or they read the appeal
 - Issues with retrieving the address through EUCARIS – not a very big problem, but it could be very hard from a practical matter, if the address is very wrong. It could be more accurate and more similar (the type characters for example). Spain automatically translates the ID, so it could be an issue
 - Spain translates to the ID language, also the responses. Some conversion on how this needs to be read, needs to be written is important. The address is an issue, but it depends on the law. Via EUCARIS you can also only get one address. There are some other guarantees though for domestic offenders.
7. Could you provide us with an assessment on the (average) time spent investigating an automatically detected offence when the vehicle involved has a **foreign registered license plate**?
8. Besides the topics discussed above, are there any other substantial differences in the investigation process between **domestic offenders and foreign offenders**?
9. In your opinion, what is needed on the EU level to ensure that the **investigation process to identify the foreign offender** can be made more effective and/or efficient?
 - Reference is made to the running survey -> which has some interesting ideas

Penalty notice

10. Do you have a standard template for the penalty notice when the identified presumed offender has **domestic residence**?

- Yes
11. Do you have a standard template for the penalty notice when the identified presumed offender has **residence in another Member State**?
- Yes, similar to the domestic, but the template is getting an update at the moment. The content is the same from CBE and Spanish format.
12. When the presumed offender lives abroad, do you **automatically translate the penalty notice** to a language that the presumed offender understands?
- a. Could you provide us with an assessment on the costs that are involved in translating the penalty notice?
- There are standards translations for all 27 MS
 - In favour, of every document being in the own language (appeal and information policy, all documents, have to be in the language of the foreign offender)
 - To work with 26 languages is not an easy thing – if a template is used, the translation only needs to be made once. The issue is that you have to be able to read the answers of the presumed offender, this has a cost. There are a lot of procedures, so it can be a costly/burdensome procedure.
 - Translate is 2.000-3.000 EUR to translate a template. These also have to be redone, if something is changed in the procedure or law. The system also has to be introduced in the system. A language like Bulgarian can be very costly (because it is Cyrillic and it can be harder to include in the running system).
 - Sometimes also some phone calls are needed -> extra costs that can be very big, with regards to the vast amount of citizens/languages.
 - Spain has a system to contact, in other EU language.
 - Sanction of payments is available in English French and German on the Spanish website. Would be great if Spain could have had this also in other languages.
- How do you ensure the **authenticity** of the penalty notice?
The penalty notices includes an official stamp, and signature of the head of unit.
13. Is the presumed offender able to obtain additional information on applicable sanction schemes, appeal procedures and legal safeguards in **a language that he or she understands** (for example via a website)?
- a. If so, does the information letter for the penalty notice include a reference to this information?

Enforcement phase – Cross-border enforcement of a financial penalty

14. Could you provide us with an assessment on the number (or share) of offences in which the presumed offender pays voluntarily (e.g. without having to go to court), when the presumed offender has **domestic residence**?
- 85% of the offences get paid voluntarily
15. Could you provide us with an assessment on the number (or share) of offences in which the presumed offender pays voluntarily (e.g. without having to go to court), when the presumed offender has **foreign residence**?
- 65% of the offences get paid voluntarily

16. If a presumed **foreign** offender does not pay the penalty notice voluntarily, could you explain the steps that need to be taken to (cross-border) enforce the decision?
- a. Could you share your experiences with using Framework Decision 2005/214/JHA² in this respect?
- Legal issues – because of the difference in Spain. The majority or under the administrative law. This is important. There are criminal traffic offences, but majority is administrative. This has its own court. But there is a legal problem. Because of this, Spain proposes to introduce a chapter on enforcement within the CBE Directive, here an automatic system could be used to enforce. The FD is very difficult to fill in, for 1.070 fines.
 - The certificate is difficult to fill in + the difference between administrative and criminal offences
 - At the moment, Spain cannot really enforce any decisions abroad.
 - Supports the introduction of a *lex specialis*.
 - Spain states that the main issue is here.
17. Could you provide us with an assessment on the (average) time spent enforcing a penalty when the presumed offender is living **in your country**?
18. Could you provide us with an assessment on the (average) time spent enforcing a penalty when the presumed offender is living **in another Member State**?
19. Besides the topics discussed above, are there any other substantial differences in the enforcement process between **domestic offenders and foreign offenders**?
- The two main items -> language and the issue of enforcing an administrative offence (FD framework)
 - If you don't pay a fine in Spain, you are send to the tax authority, not the courts. This makes it hard to use the FD. This procedure should not be important -> it should be result oriented, not process oriented.
20. In your opinion, what is needed on the EU level to ensure that the **cross-border enforcement of financial penalties** can be made more effective and/or efficient?
- Include a chapter in CBE Directive for enforcement, tailor the procedure, and make it efficient/effective

Enforcement phase – Cross-border enforcement of a driving disqualification

21. Have you ever attempted to **enforce a driving disqualification** imposed on a person that is living in another EU Member State?
- a. If so, could you please elaborate on your experience with this process?
- Little experience. France also tries to do something with the driving disqualifications. In Spain, it goes beyond the financial fines, it is about supporting road safety. As such, not important if it is the DLD or the CBE Directive, something must be done here on an EU level.
 - A discussion is important here, even though it is a very difficult decision.
 - It depends how it is enforced. If a german has been living in spain, and he has changed his driving license, and his register is in the Spanish records, then the driving disqualification can be enforced. After the disqualifications, this person cannot drive in Spain. The difference is that this person can then change in other countries but not in Spain. Spain proposes mutual recognition in all EU countries. When a driving license is taken away in one country, this person should not be allowed to drive in the rest of Europe. To do this, you need to access RESPER, not all EU citizens have housing.

² <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A32005F0214>

Other topics

22. Do you experience issues in providing the European Commission with information that is required under Art. 6 of the CBE Directive?

No problems.

23. Are there any other topics concerning the CBE Directive that you would like to discuss?

Interview guideline – Member States

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This interview serves to get a better understanding of the CBE Directive, issues that affect its functioning and possible improvements. This will help us with identifying where the CBE Directive needs to be revised and what the impact of that revision will be. As an end result, we hope that this revision can lead to a further decrease in the number of road accidents in the European Union.

General info

Date: 27/5/2021

- Czech Republic

Detection phase – Detecting the offence

- There are no exact numbers on the number of traffic offences, as Czechia has a decentralised system. However, with some calculations around 170.000 traffic offences were made in 2018-2019, of which 3.342 was by offenders in foreign registered vehicles. There is no data available on the number of offences that was detected by automatic checking equipment.
- Czechia does not think that parking offences should be included in the scope of the CBE Directive, as the fines are too low, to make it worth implementing the Directive.

Investigation phase – Identifying the presumed offender and its contact details

Investigation

- Czechia uses a vehicle owner liability / Vehicle owner needs to provide who the driver is. If this driver states that he wasn't driving, then it is sent back to the vehicle owner. The same procedure is used for a foreign offender.
- The MLA convention and the EIO are tools designed for mutual cooperation in criminal matters, which could be used in the frame of criminal proceedings (e.g. criminal offence of driving under influence). However, speeding is an administrative offence in Czechia and is the main offence for which the CBE Directive is used. The legal assistance procedures (MLA, EIO) are therefore not used for the majority of detected traffic offences. If the offender commits an accident, and there is bodily harm, then it would be investigated as a criminal offence (and recourse to the instruments is appropriate). Due to the Art. 3/1 of the MLA convention² and Art. 4, letter b)³ these instruments may be used also in frame of administrative proceedings where there is a possible recourse to the court having jurisdiction in particular in criminal matters. Therefore, the MSs which have such a system of administrative-criminal law (AT, NL) use these for example

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427192018025&uri=CELEX:32015L0413>

² Article 3: Proceedings in connection with which mutual assistance is also to be afforded: 1. Mutual assistance shall also be afforded in proceedings brought by the administrative authorities in respect of acts which are punishable under the national law of the requesting or the requested Member State, or both, by virtue of being infringements of the rules of law, and where the decision may give rise to proceedings before a court having jurisdiction in particular in criminal matters.

³ Article 4: Types of proceedings for which the EIO can be issued:

An EIO may be issued: ... (b) in proceedings brought by administrative authorities in respect of acts which are punishable under the national law of the issuing State by virtue of being infringements of the rules of law and where the decision may give rise to proceedings before a court having jurisdiction, in particular, in criminal matters;

the MLA convention to deliver the decision on traffic penalty to Czech drivers in cases of speeding.

- The CZ cannot use these instruments for administrative offences as requesting state.
- Some aspects could be streamlined/made more efficient with regards to investigation offences from presumed foreign offenders. The Ministry of Justice and courts receive requests from foreign administrative authorities for driving infringements (typically Austrian Bezirke). Quite often they concern requests for identification of Czech drivers. From the Czech point of view, this should be dealt with through EUCARIS and police-to-police cooperation.⁴
- Furthermore, not all Member States provide data of birth in the VRD. This is necessary information for Czech Republic to identify the correct driver (e.g. in the case of similar names). This can especially be in the case of Romanian presumed offenders. The Czech Republic will ask the Romanian government for a clarification, but this is often unsuccessful. This stops the process.

Penalty notice

- There is no official standard templates (not for domestic, nor for foreign offenders), but there are clear requirements for what information the notice needs to include.
- For some offences there are standard templates that are automatically translated. It is not clear what the size of the translation costs is
- The penalty notice is authenticated with an official stamp and/or contact details with the issuing authority. In every information letter, there is often information on who to contact as well as information on what can be done if he/she did not commit the crime. This is provided in a language the presumed offender understands.
- Czechia is supporter for standardised letters in the correct languages to be established on the EU level.

Enforcement phase – Cross-border enforcement of a financial penalty

- No information is available on the share of offences that are paid voluntarily (domestic or foreign), because of a decentralised system.
- If a presumed (foreign) offender does not pay the notice voluntarily, no action is undertaken as the time and costs to follow-up outweighs the benefits. It follows from practice that the formal procedural guarantees of criminal proceedings, which have to be upheld also in the frame of recognition and enforcement of the decisions according to FD 2005/214/JHA, are hard to be met by the foreign administrative authorities. (Namely the rules on delivery of decisions or translation in compliance with the relevant EU directives, as interpreted by the CJEU.)
- In general, the average time spent enforcing a penalty notice for a domestic offender is 3.5 hours, while for a foreign offender this is 4.5 hours.
- As executing state, the problem here is that the FD 2005/214/JHA is used, but this system is unbalanced and unfair to certain MS, including the Czech Republic. This is because Czechia is able only execute foreign administrative decisions, but cannot send the Czech administrative decisions to be recognized and executed in other MSs. This is caused by the definitions, provided by the FD, which enables, that some administrative decisions are recognised on the condition, that there is an appeal to a court for a jurisdiction in criminal matters. This has been

⁴ CZ had also bilateral meeting with AT to deal with problematic aspects of this agenda, where such a practice was agreed, however we record still many cases seeking identification via judicial cooperation.

interpreted by the Baláž case (C-16/12⁵) in a sense that disqualifies any court that does not have a system for dealing with administrative offences in a criminal proceedings. As Czechia does not adopt such a system, the FD cannot be used to the enforcement of administrative sanctions abroad.

- Often there are problems with filling in the certificate within the FD sent to Czechia by the administrative authorities. Not all information is filled in, sometimes it is not translated, there are often contradicting information between the certificate and the decision to be recognized. Very often the information on how the offender was informed about the proceedings in which the penalty was imposed to him/her. The Czech courts have to ask repeatedly for additional information, the procedure becomes thus even more cumbersome. We consider this agenda as burdening the criminal courts, which have another important mission – to prosecute infractions of certain, higher, seriousness, which is missing in these cases. Therefore it should be redirected out of the system of criminal courts and judicial cooperation in criminal matters.
- Some statistics: from the cases in 2019, for the recognition of financial penalties received by Czechia, the majority of them are financial penalties from traffic offences⁶, 579 cases were put through by Czech authorities, of which 155 was rejected in non-recognition. There might be some other cases, than traffic organisation, but the majority are traffic offences. Less cases in 2020: 467, and 165 not recognised.

Enforcement phase – Cross-border enforcement of a driving disqualification

- If an offender commits a traffic offence that results in a driving disqualification the drivers licence is kept in Czechia until the person leaves the country (in the case of an administrative offence). However, this means that, in principle, the offender can continue driving in other EU Member States.
- With regards to the judicial parts, there is an EU instruments – FD 2008/947/JHA on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions which also covers the limitation of professional activities, including driving disqualifications. According to this instrument (and the relevant implementing legislation) is it possible to recognise foreign driving disqualifications in case they are imposed in the criminal proceedings. And vice versa send abroad such decisions to be recognized. There are no statistics available on how often this happens (issuing or executing), the statistical data would show only the number for all possible alternative sanctions, so it is not possible to trace only specifically those concerning driving disqualifications.

⁵ The term 'court having jurisdiction in particular in criminal matters', set out in Article 1(a)(iii) of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, is an autonomous concept of Union law and must be interpreted as covering any court or tribunal which applies a procedure that satisfies the essential characteristics of criminal procedure. The Unabhängiger Verwaltungssenat in den Ländern (Austria) fulfils those criteria and must for that reason be regarded as coming within the scope of that term.

⁶ It was not possible to identify the type of offences for which mutual recognition requests from abroad were received. However, from earlier experience, it can be expected that the (overwhelming) majority concerned traffic offences.

Interview guideline – Member States

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This interview serves to get a better understanding of the CBE Directive, issues that affect its functioning and possible improvements. This will help us with identifying where the CBE Directive needs to be revised and what the impact of that revision will be. As an end result, we hope that this revision can lead to a further decrease in the number of road accidents in the European Union.

General info

- Belgium

Detection phase – Detecting the offence

1. On an annual basis, how many traffic offences do you detect **in total**?

<http://www.verkeersstatistieken.federalepolitie.be/verkeersstatistieken/interactief/>

2. On an annual basis, how many traffic offences do you detect making use of 'automatic checking equipment' such as speed cameras?

We do not dispose of the share of automatically detected offences. In Belgium, automatically detected offences do only concern speeding (4.059.000), the use of a forbidden lane and red-light negation.

3. Could you provide some information on the share of automatically detected offences, in which the detected vehicle had a foreign registered license plate?

We do not dispose of the share of automatically detected offences, we do have the general data for the eight CBE-offences. (cf. annex)

4. Should the CBE Directive be extended to also cover **other road traffic offences**?

YES

- a. If so, which offences should be added to the scope?

Belgium is strongly demanding an extension of the scope of the Directive, possibly (but not needed) in phases, depending on whether or not it can be determined automatically and whether or not it is strongly road safety related. At the same time, an efficient enforcement of what is stated in the current scope of the directive is essential.

At least all the offences that (in the future) are automatically detected should be included in the Directive, e.g.:

¹ <https://eur-lex.europa.eu/legal-content/EN/TXT/?qid=1427192018025&uri=CELEX:32015L0413>

- **LEZ (cf. infra)**
- **ban on overtaking trucks (with or without precipitation);**
- **respecting the minimum distance between trucks;**
- **driving on a forbidden lane (cf. infra);**
- **detection of non-insured vehicles;**
- **etc.**

Many other traffic offences are detected without interception of the driver and are directly correlated with road safety. This is the case for instance for many parking offences that are not related to parking fees or limited parking time. Parking on a footpath or pavement, on a bicycle lane, on a pedestrian crossing or in a pedestrian zone, are very frequent and create indirect and most of the time direct danger for the vulnerable road users. It is almost impossible to identify the offender without an access to a vehicle registration database. We detect in Belgium **about 500.000 parking offences creating danger or obstructing the traffic** (and which are not related to parking fees of with time limitation). So, not considering those parking offences would not be in line with the commitment of the European Commission and many countries to protect vulnerable road users.

It also would be interesting to **extend the interpretation** of the current '**driving on a forbidden lane**' infringement to include access restrictions that do not relate to a specific lane but to an entire road or area. The current interpretation is limited to a 'part of the road', whereas it would be interesting if this were also to apply to a street or area. We are thinking here of the application of access restrictions. In Belgium this is common (e.g. trucks that are kept out of prohibited areas - village centres and residential areas - by a digital truck lock, but also central area limited to local traffic) where currently no action can be taken towards foreign road users (without interception), except for drivers from those countries with which bilateral agreements have been made (i.e. France and the Netherlands). This certainly has to do with road safety and traffic liveability and therefore, in our opinion, fits perfectly in the CBE story.

Belgium is also ready to implement **WIM detection systems**, that is to say the detection without interception of lorries that are overloaded. Overload is not only related to unfair competition but plays a major role as regard to road safety. The collision risk of an overloaded lorry and the consequences of a crash are much more important (decelerating distance). Where the risk of being killed or wounded in an accident with a car is of 14 for 1.000 collisions, this risk is of 54 for 1.000 collisions with an heavy duty vehicle.

In general, a solution that guarantees fair and equal treatment for all European citizens should be considered. In longer term, all violations of traffic regulations should also be prosecutable against non-residents - also if not interpreted by the police. The current list of offences focuses too much on automated determinations. We think about the rules on keeping **distances, priority rules and overtaking bans**, non-compliance with all **traffic signs** (currently limited to traffic lights), behaviour towards **vulnerable road users** (pedestrians and cyclists), ...

The CBE Directive could - possibly at a later stage - also be an appropriate tool to deal with traffic behaviors which have less impact on road safety but for which an **European instrument is strongly needed**: let's think of **Low Emission Zones, parking fees**, ... Considering the fact that LEZ's are implemented to improve the health of all citizens, that frequent road users experience the greatest negative health impacts of air pollution from cars and that LEZ's therefore save lives of improve the health of road users significantly, it's not illogical to strive for the inclusion of LEZ's in the CBE.

Note in the margin line:

The Belgian police notes that many combinations (tractor + semi-trailer) are formed by a tractor vehicle with foreign (often Eastern European) registration plate with a trailer registered in Belgium. The current international regulations (Vienna Convention of 8 November 1968 on road traffic, art. 36.2) do not allow a reproduction of the number plate of the tractor vehicle to be hung on the trailer in such a case (this is instead the case for Belgian lorries towing a foreign trailer, as they are not covered by international traffic). If this is also made possible for the foreign vehicles, this can facilitate the procedure, since - when the determinations are made on the basis of the rear number plate - one can immediately identify the towing vehicle.

5. In your opinion, what is needed on the EU level to ensure that the **detection of offences** can be made more effective and/or efficient?

- For vehicles that can be hired for short or longer periods, Europe could impose a legal **obligation on companies to identify the actual driver in advance** (before making the vehicle available; for this purpose, this information should be registered in another database than the VRD) - with further national roll-out thereafter. Cf. prepaid SIM cards.

- Apparently there are still **countries** (Denmark, UK, Ireland, Portugal) which are **not yet making their data available**, which is a regrettable matter for the controlling police forces.

- For Germany the data in Eucaris is polluted => The principal issue that we noted is that the address is correct but the country indication is wrong. Or the correct country is mentioned but at the end GERMANY is added as a second country. And no postcode is added.

Example:

XXX XXXX

Sos Razesilor 53

00000 JUD IS SAT Horlesti/ Romanien

Deutschland

- For Poland, there is not always a street name mentioned in Eucaris, according to the police. The problem here, apparently, is that in Poland there is not always a street name (so not all streets have a name there).

- Ensure that the information exchange under the CBE Directive complies with GDPR and LED:

Task of Europe to ensure this. The European Commission should also pay attention to MS which bypass the directive by identifying drivers for offences that are not covered by the scope and prosecute them directly or by selling the files to debt recovery agencies (which can double up the fine). This is a misuse of personal data and unfair for citizens of MS which respect the scope of the directive.

Investigation phase – Identifying the presumed offender and its contact details

Investigation

6. Could you elaborate on the steps taken in the investigation process (between the automatic detection of an offence and the submission of a penalty notice) in case the vehicle involved has a **foreign** registered license plate?

Elke foto, afkomstig uit een automatisch werkend toestel, wordt manueel op de computer bekeken en gecheckt (op overeenstemming met gegevens DIV en vaststellingen in het PV) door een politieagent. In België zijn er drie verwerkingscentra, waar de meeste lokale politiezones en ook de federale politie mee samenwerken. Sommige agenten (CALOG's) doen daar de hele dag door niets anders dan het valideren van foto's. Heel het proces dat daarop volgt, werd door Justitie geautomatiseerd. Bpost werkt daarbij als onderaannemer voor Justitie. Vanuit de gewestelijke verwerkingscentra (of de politiezones) worden er online kopies van de PV's naar MaCH gestuurd (in badge), MaCH genereert quasi dagelijks een printfile die naar Bpost wordt gestuurd, waar er op volautomatische wijze informatiebrieven in de juiste taal (taal van inschrijving van de overtreder) uitrollen en vertrekken. De procedure voor Belgen en buitenlanders verschilt niet; enkel de databank verschilt (DIV voor Belgen en EUCARIS via DIV voor buitenlanders).

- a. What is the main difference in the investigation process when investigating a vehicle with a **domestic** registered license plate?

There is no significant difference as the majority of the activities are common between the processes (resident vs non-resident). However, additional activities (e.g. translations), specific to foreign offences, are not included in the current analysis and could lead to additional time spent per case.

Zoals hierboven al gezegd, verschilt de procedure voor Belgen en buitenlanders niet, enkel de databank verschilt (DIV voor Belgen en EUCARIS via DIV voor buitenlanders).

7. Do you need **additional information from the Member State** in which the foreign vehicle is registered to investigate the offence (for example to identify the driver)?
- a. Could you elaborate on what kind of evidence you need from another Member State?

Cf. answer on question 5 (Poland, Germany).

- b. What (legal) instruments are you using to further gather evidence on the presumed offender?

Er is veel marge tot verbetering op het vlak van de buitenlandse certificaten.

De MLA-agreement wordt niet gebruikt in België, andere landen doen dit wel (bv. Zwitserland), misschien interessant ikv Brexit?

8. Could you provide us with an assessment on the (average) time spent investigating an automatically detected offence when the vehicle involved has a **domestic registered license plate**?

On average, an offence takes approximately three days so 72h between the detection and the penalty notice. Normally, there is no difference whether the offender/vehicle is Belgian or not but there is no specific analysis showing a difference between the three scenarios (average, bilateral agreements, EU law).

9. Could you provide us with an assessment on the (average) time spent investigating an automatically detected offence when the vehicle involved has a **foreign registered license plate**?

On average, an offence takes approximately three days so 72h between the detection and the penalty notice. Normally, there is no difference whether the offender/vehicle is Belgian or not but there is no specific analysis showing a difference between the three scenarios (average, bilateral agreements, EU law).

10. Besides the topics discussed above, are there any other substantial differences in the investigation process between **domestic offenders and foreign offenders**?

No, see above.

11. In your opinion, what is needed on the EU level to ensure that the **investigation process to identify the foreign offender** can be made more effective and/or efficient?

*Concerning **incoming foreign certificates**, the national identification number could help in order to identify the offender with 100% certainty. Right now only first + last name and birthdate are provided for a natural person. With these data we try to find the Belgian national identification number. In 95% of the cases we find a match. For companies, it is another story. Based on the name and the address we try to find a match. Unfortunately sometimes there are typos in the name or the address is not correct anymore. The matching percentage is much lower for companies. A European database providing unique identifiers could help here.*

12. Do you have a standard template for the penalty notice when the identified presumed offender has **domestic residence**?

Yes (template available in 3 national languages)



01. OI.NL.pdf

Example in NL:

13. Do you have a standard template for the penalty notice when the identified presumed offender has **residence in another Member State**?

Yes (template available in 23 EU languages)



04. Informatiebrief
voor buitenlandse nat

Example for Physical Persons (in NL):



05. Informatiebrief
voor buitenlandse rec

Example for Physical Persons (in NL):

In the second half of 2021 we will align the template for domestic residence versus the lay-out of the residence in another Member State.

14. When the presumed offender lives abroad, do you **automatically translate the penalty notice** to a language that the presumed offender understands?
- a. Could you provide us with an assessment on the costs that are involved in translating the penalty notice?

All violations in the scope of the Directive needed to be translated (which was very costly). For languages that are not that common or have a difficult alphabet (Greek, Bulgarian, ...) we had double translation costs (one translation company to translate, another translation company to verify). We did the roll-out of the translation of the information letter into all European languages in 2020. The most difficult part of the translation was the description of the offence in question. Language legislation is very sensitive in Belgium and a great deal of effort is being put into this area. All documents sent by the public prosecutor were translated. The official report remains in the original language, but the information letter is sent in the correct language of the vehicle's registration.

The aim is to send the entire flux in the enforcement chain in the language of the offender (at least a translation of the official documents):

- the first invitation to pay (= translated in 2020)*
- the reminder (= translated in 2020),*
- the transaction (= translated in 2020),*
- and the order to pay (translation foreseen in Q4 2021).*

But MS need more support from the European Commission as regard to the translation (or checking of the translation) of all documents that are sent.

Besides the translation cost of sending documents in the language of the presumed offender, there are also translations costs related to contestation arriving at the parquet in a foreign language.

15. How do you ensure the **authenticity** of the penalty notice?

To ensure the authenticity of a fine, the offender can check through the website of traffic fines if

- Log-in with the mentioned log-in details on the letter to verify if it is a "real" fine*
- the bank account number to which the payment must be made, which must correspond to BE34-6792-0036-2590.*
- website [trafficroes.be](https://www.verkeersboetes.be/news) : bij rubriek 'Nieuws' (<https://www.verkeersboetes.be/news>):*
"Hoe kan ik de authenticiteit van een verkeersboete nagaan?"
- At the top of the information letter is the official Justice logo.*

16. Is the presumed offender able to obtain additional information on applicable sanction schemes, appeal procedures and legal safeguards in **a language that he or she understands** (for example via a website)?
- a. If so, does the information letter for the penalty notice include a reference to this information?

Yes, the information letter refers to the website www.trafficfines.be which is available in English, Dutch, French and German. The notification letter also contains a number, which makes it easier for the offender to find back information on the website in the FAQ related to this fine.

Enforcement phase – Cross-border enforcement of a financial penalty

17. Could you provide us with an assessment on the number (or share) of offences in which the presumed offender pays voluntarily (e.g. without having to go to court), when the presumed offender has **domestic residence**?

In 2020, for traffic offences leading automatically to a financial penalty, 4,098,487 presumed offenders paid voluntarily their offences (93%: domestic + foreign). This includes all payments made without a court's ruling or another process with the same legal value (such as the order to pay).

18. Could you provide us with an assessment on the number (or share) of offences in which the presumed offender pays voluntarily (e.g. without having to go to court), when the presumed offender has **foreign residence**?

In 2020, for traffic offences leading automatically to a financial penalty, 87.81% presumed offenders paid voluntarily their offences. This includes all payments made without a court's ruling or another process with the same legal value (such as the order to pay).

19. If a presumed **foreign** offender does not pay the penalty notice voluntarily, could you explain the steps that need to be taken to (cross-border) enforce the decision?

If the penalty notice stays unpaid, following different steps (reminder; transaction; (reminder of transaction)), an Order To Pay will be sent out.

- a. What (legal) instruments are you using to enforce a financial penalty abroad?

Order to pay (Bevel tot betalen/Ordre de paiement): uitvoerbare titel zonder dat er een rechter bij te pas komt.

- b. What is the main difference with the enforcement of financial penalties for domestic offenders?

- *Domestic: Unpaid Order To Pay will be declared executory by a magistrate. FOD Finance will do the recovery*
- *Abroad: Unpaid Order To Pay will be declared executory by a magistrate. A foreign certificate will be sent to the country where the offender lives/ has registered his/her company. The foreign country is allowed to recover the fine*

20. Could you provide us with an assessment on the (average) time spent enforcing a penalty when the presumed offender is living **in your country**?

There are several actors involved in the prosecution of the traffic offences under the CBE Directive. It is important to note that time spent by the respective actors differ greatly depending on the phases in the lifecycle of the offence. For Justice, most of the work comes from the contestations and the non-paid offences. Therefore, in the overview below, we considered the full lifecycle of the offences (and not only until the presumed offender receives a penalty notice). Furthermore, we are currently conducting analysis to estimate the time spent per case for different actors. As these analysis are not finalised, the overview below is based on extrapolations from the outcomes already gathered. Not all steps in the prosecution are covered.

Domestic and Foreign

As from the moment an offence is detected, it takes on average 3'48" to visualise and register it in the system. This does not include the time necessary to install the camera or the materials to detect the offence nor the time to maintain or develop the IT systems etc. It does include the time of the teams working on this aspect (visualisation and registration), including the team leaders/managers. It does not include the specific activities from the courts (e.g. judges) or the department of Justice (FOD Justitie): the IT developments/maintenance, the call centre activities, the management of the payment of the offence, the management of the letters etc. It is a first estimation of the activities from the magistrates and their co-workers related to the road traffic offences.

In summary, there are many actors involved in detecting and prosecuting offenders:

- *Local and federal police:*
 - *Detection of the infractions (e.g. positioning a camera, controlling a certain infraction type) : not estimated*
 - *For all infractions going to the regional centres (GVC/CRT), so mainly an important part of the speed infractions, the average for visualising and registering the offence is 3'48". This average may vary from one year to another (experience of the workforce, automation of the systems, etc.)*
- *Justice department (administration): IT developments, call centre and back office requests, harmonize processes, data management, coordination activities etc. – not estimated*
- *Parquets: not estimated*
- *Courts: not estimated*
- *Other administrations (local, regional, federal levels): not estimated*

At this stage, there is no analysis gathering the efforts of all actors to give a representative estimation of the average time per road infraction. There is an ongoing pilot activity with one parquet to estimate further the time required for road infractions.

21. Could you provide us with an assessment on the (average) time spent enforcing a penalty when the presumed offender is living **in another Member State**?

No

22. Do you often **require additional information** from the issuing Member States when receiving a request to enforce a decision for an offence committed in another country?

Momenteel werken we enkel met inkomende certificaten vanuit Nederland (in het najaar is daarvan een automatisatie voorzien). De bedoeling is om een automatische check in het rijksregisternummer of KBO-nummer te kunnen doen. Bij een hit worden deze gegevens overgenomen. Bij geen hit is er manuele controle. Indien nog steeds geen overeenkomst, wordt het dossier geklasseerd.

23. Besides the topics discussed above, are there any other substantial differences in the enforcement process between **domestic offenders and foreign offenders**?

No.

24. In your opinion, what is needed on the EU level to ensure that the **cross-border enforcement of financial penalties** can be made more effective and/or efficient?

*But as regard to the execution of the fines, investigation is difficult without action from Europe; Europe has a major role to play **in e-codex and foreign certificates**. It is very important that there should be **one unique European system** for the **enforcement** part of the directive (no two systems that exist alongside each other – Salzburg and E-codex; Europe's role is to opt for one system and roll it out). Enforcement of what the Directive already allows for exchange of data is a priority for Belgium.*

Enforcement phase – Cross-border enforcement of a driving disqualification

25. Have you ever attempted to **enforce a driving disqualification** imposed on a person that is living in another EU Member State?
- a. If so, could you please elaborate on your experience with this process?

Niet-inwoners kunnen een verval van het recht tot sturen oplopen, maar de herstelmaatregelen worden niet uitgevoerd.

Hun rijbewijs moet dan ingeleverd worden, en het wordt (eventueel al tijdens het verval) teruggegeven wanneer zij het land verlaten op een welbepaald moment en via een welbepaald traject (vastgelegd door het parket). Dus hij hoeft het einde van het verval niet af te wachten, want het verval geldt enkel op Belgisch grondgebied.

"- § 7. De betrokkene kan het rijbewijs of het als zodanig geldend bewijs weer op de griffie afhalen wanneer: (...)

3° de houder van een Europees of buitenlands rijbewijs, die niet beantwoordt aan de voorwaarden om een Belgisch rijbewijs te verkrijgen, het grondgebied verlaat. In dit geval geeft het openbaar ministerie hem een attest af dat overeenstemt met het model van bijlage 8, en dat hem machtigt tot het besturen van zijn voertuig om zich op een vastgestelde dag en langs een bepaalde weg naar de grens te begeven. "

→ Het vervoermiddel is niet bepaald.

Other topics

26. Do you experience issues in providing the European Commission with information that is required under Art. 6 of the CBE Directive?

No, this works fine.

27. Are there any other topics concerning the CBE Directive that you would like to discuss?

Interview minutes CJIB and Dutch Public Prosecution

Date and time: 23 June 2021, 13.00 -14.00

1. Which steps are taken when a non-resident driver commits an offence?

From the moment that the offender (in NL often the owner of the car) is identified the fine will be sent. In case the fine is not paid within the given time frame the offender is reminded. It is possible to follow up this first reminder with a second and third one. If the offender still has not paid the fine and the fine has become irrevocable, the fine is transferred to the Member State of residence of the offender. For this Council Framework Decision 2005/214/JHA is used. When the fine is taken over, the CJIB receives a certificate and can close the case. Sometimes the other Member State does not respond to the request to take over the fine. In such a case a reminder can be sent. Often the system works and the fine is taken over by the other Member State.

In case the fine is transferred to another Member State and the offender pays, the money is not transferred to the Netherlands. It remains in the country where it is paid. It sometimes happens that the offender does pay to the Netherlands. In such a case, the Netherlands informs the other Member State that the fine is paid and the case is closed. In previous years, the use of the Framework Decision did lead to some issues, however, they seem to have been solved.

One of the most common challenges in identifying a foreign offender is that the vehicle databases are not always accurate. Especially information on home addresses is not always up to date and in this case, the fine cannot be sent or is sent to the wrong address. It would be helpful if one could also access the basic registration (Basisregistratie) because this database does have the right contact details included.

Another challenge is the existence of local registers. In some countries, each region has its own register which is linked to a national register. However, often changes made in the local register are not directly updated in the national one. As part of the CBE Directive, the national registers are linked. Information in the national register may be outdated.

2. How much time do you spend collecting the international fine?

The duration strongly depends on the willingness of the offender to pay and can range from payment within one week after sending the penalty notice to several years.

In the Netherlands, the following timeline applies:

- The offender receives the fine one week after committing the offence.
- After receiving the fine the offender has six weeks to pay the fine. If he/she does not pay, he/she receive a reminder.
- After this reminder, coercion (dwangmiddel) can be used or the fine can be transferred to the Member State in which the offender is a resident/national.
- Depending on the response of the offender, the offender can start an appeal procedure. For this, a period of 16 weeks is available, with a possibility to extent it to 26 weeks. An appeal can be made by the public prosecutor who decides. In case the offender does not agree with the decision of the prosecutor, he/she can go to court. For this, no timeframe is given.

The majority of fines is paid after the first reminder (about 82%). The remaining 18% can take much longer. But it is difficult to indicate the timeframe of the remaining offences.

The willingness to pay is high among Belgian and German offenders. In other countries, the willingness might be lower. CJIB has figures available on the payment rates per Member State.

However, these figures need to be read with some cautions as for some Member States only two or three fines are sent out. Non-payment will hugely impact the payment rates.

Whether or not the willingness to pay is high is based on culture. In some countries, it is important to pay a fine quickly, while in other countries it is more beneficial to wait for a reminder, because you might get a discount. Especially, offenders who are used to the latter system do not pay easily.

3. Which information is included in the penalty notice?

The notice contains the required information. Elements included are the type of offence, the location of the offence, the height of the fine, the possibilities for appeal etc. The notice is written in the language of the registration form of the vehicle. For example, when the vehicle is registered in France, the notice will be sent in French.

Most offences detected concern speeding and ignoring a red light. Other offences that can be detected automatically are parking offences, entering environmental zones and using closed lanes.

4. What are the main reasons for foreign offenders not to pay their fine?

The main reason for payment refusal is that the offender claims not to be the offender. This can lead to some discussion. Nevertheless, for most road offences, it is sufficient under Dutch law to establish who the owner of the vehicle is (based on the license plate). It is up to the owner to identify the actual driver and make that person pay. For serious road offences, such as severe speeding (> more than 40 km above the speed limit), the driver needs to be identified. The reason for this is that the offence is no longer an administrative offence (and the Wet Mulder applies) but a criminal offence to which the Criminal Code applies.

5. Does the existence of different liability regimes (driver vs owner liability) lead to problems?

Concerning the discussion whether the liability regime in the EU should be harmonised, the Dutch standpoint is that it should remain possible to treat the majority of offences as administrative offences (and consequently use the owner liability). In case all offences should be dealt with under the Criminal Code this would lead to serious capacity issues and a reduced possibility to (easily) follow-up on the offences. Changes to the CBE Directive should be future proof and consider more and more automated (digital) enforcement.

6. If the CBE Directive would be revised what could be changed?

Parking offences should be included as currently, they lead to problems in the Netherlands. Not only the regular parking offences but also endangering parking offences should be included. Such as the trucks that park at the safety lanes near the motorway. This is at the moment a big problem in the Netherlands. Truck drivers cannot always enter Germany and when the parking lots are full, often decide to park on the safety lanes. This is dangerous for other traffic, but also for police officers. Currently, they need to visit each truck individually, but in the future detection will be done automatically as well. However, the CBE directive cannot be used for sending the fines.

On a more practical note, it would be possible that the fields in EUCARIS could be enlarged. Currently, not all information can be included, which leads to missing elements. For example, not all addresses can be shared fully, which hampers sending penalty notices.

There are no issues with the new DGPR rules. They apply anyway. In addition, the reason why personal data are used is clear, and information is not used for any other purpose than for which it is requested.

Preference would be to extent the scope of the CBE Directive to all road offences which can be detected automatically and to improve current procedures. At the moment, there is no need for further harmonisation.

Nb accidents foreign registration car involved

| | | 2016 | | | 2017 | |
|----|-------------|--|---------------|--------------------|--|---------------|
| | | Nb accidents foreign registration car involved | All accidents | % of all accidents | Nb accidents foreign registration car involved | All accidents |
| AT | Motorway | 740 | 1898 | 39% | 707 | 1813 |
| | Rural | 1367 | 11964 | 11% | 1410 | 11901 |
| | Urban | 1561 | 24604 | 6% | 1427 | 23688 |
| AT | Sum: | 3668 | 38466 | 9,54% | 3544 | 37402 |
| BE | Motorway | 899 | 3448 | 26% | 989 | 3399 |
| | Rural | 1008 | 15071 | 7% | 828 | 12561 |
| | Unknown | 4 | 80 | 5% | 5 | 49 |
| | Urban | 898 | 21524 | 4% | 963 | 22016 |
| BE | Sum: | 2809 | 40123 | 7,00% | 2785 | 38025 |
| BG | Motorway | 40 | 256 | 16% | 59 | 301 |
| | Rural | 146 | 2347 | 6% | 181 | 2161 |
| | Urban | 84 | 4801 | 2% | 112 | 4426 |
| BG | Sum: | 270 | 7404 | 3,65% | 352 | 6888 |
| CZ | Motorway | 178 | 606 | 29% | 193 | 620 |
| | Rural | 422 | 7776 | 5% | 445 | 7915 |
| | Urban | 416 | 13005 | 3% | 366 | 12728 |
| CZ | Sum: | 1016 | 21387 | 4,75% | 1004 | 21263 |
| DE | Motorway | 4612 | 21193 | 22% | 4639 | 20928 |
| | Rural | 3209 | 75266 | 4% | 3131 | 74166 |
| | Urban | 5265 | 211686 | 2% | 5411 | 207562 |
| DE | Sum: | 13086 | 308145 | 4,25% | 13181 | 302656 |
| DK | Motorway | 32 | 162 | 20% | 19 | 132 |
| | Rural | 150 | 1019 | 15% | 168 | 1027 |
| | Urban | 351 | 1701 | 21% | 366 | 1630 |
| DK | Sum: | 533 | 2882 | 18,49% | 553 | 2789 |
| EL | Motorway | 29 | 284 | 10% | 25 | 313 |
| | Rural | 100 | 1763 | 6% | 73 | 1665 |
| | Urban | 170 | 9271 | 2% | 143 | 8870 |

| | | | | | | |
|-----------|-----------------|-------------|--------------|---------------|-------------|--------------|
| EL | Sum: | 299 | 11318 | 2,64% | 241 | 10848 |
| FR | Motorway | 482 | 5691 | 8% | 308 | 5603 |
| | Rural | 428 | 14600 | 3% | 211 | 15738 |
| | Urban | 608 | 37224 | 2% | 555 | 37268 |
| FR | Sum: | 1518 | 57515 | 2,64% | 1074 | 58609 |
| HR | Motorway | 187 | 371 | 50% | 151 | 304 |
| | Rural | 353 | 1791 | 20% | 366 | 1958 |
| | Urban | 631 | 8617 | 7% | 623 | 8677 |
| HR | Sum: | 1171 | 10779 | 10,86% | 1140 | 10939 |
| HU | Motorway | 211 | 502 | 42% | 205 | 477 |
| | Rural | 373 | 4650 | 8% | 373 | 4547 |
| | Urban | 312 | 11475 | 3% | 331 | 11465 |
| HU | Sum: | 896 | 16627 | 5,39% | 909 | 16489 |
| IS | Rural | 8 | 411 | 2% | 14 | 383 |
| | Urban | 2 | 575 | 0% | - | 569 |
| IS | Sum: | 10 | 986 | 1,01% | 14 | 952 |
| LU | Motorway | 46 | 81 | 57% | 56 | 99 |
| | Rural | 109 | 314 | 35% | 99 | 324 |
| | Urban | 138 | 546 | 25% | 122 | 532 |
| LU | Sum: | 293 | 941 | 31,14% | 277 | 955 |
| LV | Rural | 101 | 1251 | 8% | 120 | 1114 |
| | Urban | 59 | 2541 | 2% | 72 | 2761 |
| LV | Sum: | 160 | 3792 | 4,22% | 192 | 3875 |
| MT | Rural | 1 | 395 | 0% | - | 208 |
| | Urban | 12 | 1042 | 1% | 15 | 1289 |
| MT | Sum: | 13 | 1437 | 0,90% | 15 | 1497 |
| NL | Motorway | 139 | 1197 | 12% | 178 | 1327 |
| | Rural | 186 | 4001 | 5% | 198 | 4078 |
| | Unknown | 22 | 682 | 3% | 8 | 570 |
| | Urban | 258 | 12869 | 2% | 235 | 12731 |
| NL | Sum: | 605 | 18749 | 3,23% | 619 | 18706 |
| NO | Rural | 124 | 2252 | 6% | 122 | 2302 |
| | Unknown | 1 | 46 | 2% | 2 | 50 |

| | | | | | | |
|-----------|-------------|--------------|---------------|--------------|--------------|---------------|
| | Urban | 45 | 1897 | 2% | 47 | 1734 |
| NO | Sum: | 170 | 4195 | 4,05% | 171 | 4086 |
| RO | Motorway | 39 | 203 | 19% | 44 | 221 |
| | Rural | 735 | 5126 | 14% | 665 | 5314 |
| | Urban | 2090 | 25422 | 8% | 1788 | 25571 |
| RO | Sum: | 2864 | 30751 | 9,31% | 2497 | 31106 |
| SE | Motorway | 16 | 1137 | 1% | 144 | 1266 |
| | Rural | 39 | 5871 | 1% | 294 | 6111 |
| | Unknown | 2 | 714 | 0% | 40 | 786 |
| | Urban | 29 | 6364 | 0% | 400 | 6788 |
| SE | Sum: | 86 | 14086 | 0,61% | 878 | 14951 |
| SI | Motorway | 169 | 384 | 44% | 144 | 378 |
| | Rural | 139 | 1853 | 8% | 138 | 1685 |
| | Urban | 115 | 4257 | 3% | 150 | 4122 |
| SI | Sum: | 423 | 6494 | 6,51% | 432 | 6185 |
| SK | Motorway | 35 | 140 | 25% | 44 | 153 |
| | Rural | 174 | 1719 | 10% | 182 | 1785 |
| | Unknown | - | - | | - | 1 |
| | Urban | 171 | 3414 | 5% | 201 | 3391 |
| SK | Sum: | 380 | 5273 | 7,21% | 427 | 5330 |
| UK | Motorway | 11 | 4869 | 0% | - | 4073 |
| | Rural | 268 | 49509 | 1% | - | 44540 |
| | Urban | - | 88468 | | - | 87450 |
| UK | Sum: | 279 | 142846 | 0,20% | - | 136063 |
| | Sum: | 30549 | 744196 | | 30305 | 729614 |

| | | 2018 | | | |
|--------------------|--|---------------|--------------------|--|--|
| % of all accidents | Nb accidents foreign registration car involved | All accidents | % of all accidents | | |
| 39% | 789 | 2072 | 38% | | |
| 12% | 1316 | 11743 | 11% | | |
| 6% | 1298 | 23031 | 6% | | |
| 9,48% | 3403 | 36846 | 9,24% | | |
| 29% | 908 | 3228 | 28% | | |
| 7% | 855 | 12859 | 7% | | |
| 10% | 2 | 59 | 3% | | |
| 4% | 977 | 22309 | 4% | | |
| 7,32% | 2742 | 38455 | 7,13% | | |
| 20% | 61 | 268 | 23% | | |
| 8% | 228 | 2209 | 10% | | |
| 3% | 97 | 4207 | 2% | | |
| 5,11% | 386 | 6684 | 5,77% | | |
| 31% | 181 | 586 | 31% | | |
| 6% | 446 | 8225 | 5% | | |
| 3% | 364 | 13079 | 3% | | |
| 4,72% | 991 | 21890 | 4,53% | | |
| 22% | 4764 | 20537 | 23% | | |
| 4% | 3251 | 75060 | 4% | | |
| 3% | 5393 | 213124 | 3% | | |
| 4,36% | 13408 | 308721 | 4,34% | | |
| 14% | 35 | 171 | 20% | | |
| 16% | 177 | 1021 | 17% | | |
| 22% | 388 | 1772 | 22% | | |
| 19,83% | 600 | 2964 | 20,24% | | |
| 8% | 38 | 354 | 11% | | |
| 4% | 73 | 1589 | 5% | | |
| 2% | 151 | 8794 | 2% | | |

| | | 2016 | |
|----|-----------|----------|--|
| | Foreigner | National | |
| AT | 4193 | 51250 | |
| BE | 3123 | 66127 | |
| BG | 284 | 11082 | |
| CH | - | - | |
| CY | - | - | |
| CZ | 1098 | 27671 | |
| DE | 14220 | 456361 | |
| DK | 570 | 3529 | |
| EE | - | - | |
| EL | 307 | 18185 | |
| ES | - | - | |
| FI | - | - | |
| FR | 1615 | 81409 | |
| HR | 1384 | 15248 | |
| HU | 1095 | 23180 | |
| IE | - | - | |
| IS | 11 | 1374 | |
| IT | - | - | |
| LU | 339 | 1069 | |
| LV | 169 | 4745 | |
| MT | 14 | 2616 | |
| NL | 649 | 24166 | |
| NO | 175 | 6002 | |
| PL | - | - | |
| PT | - | - | |
| RO | 2978 | 35769 | |
| SE | 88 | 21288 | |
| SI | 494 | 8360 | |
| SK | 495 | 7514 | |
| UK | 289 | - | |

| | | | |
|---------------|-------------|--------------|---------------|
| 2,22% | 262 | 10737 | 2,44% |
| 5% | 405 | 5506 | 7% |
| 1% | 416 | 14479 | 3% |
| 1% | 462 | 35777 | 1% |
| 1,83% | 1283 | 55762 | 2,30% |
| 50% | 198 | 387 | 51% |
| 19% | 397 | 1899 | 21% |
| 7% | 649 | 8164 | 8% |
| 10,42% | 1244 | 10450 | 11,90% |
| 43% | 215 | 473 | 45% |
| 8% | 383 | 4699 | 8% |
| 3% | 332 | 11779 | 3% |
| 5,51% | 930 | 16951 | 5,49% |
| 4% | 4 | 358 | 1% |
| | 1 | 510 | 0% |
| 1,47% | 5 | 868 | 0,58% |
| 57% | 48 | 82 | 59% |
| 31% | 137 | 363 | 38% |
| 23% | 144 | 502 | 29% |
| 29,01% | 329 | 947 | 34,74% |
| 11% | 75 | 1228 | 6% |
| 3% | 40 | 2747 | 1% |
| 4,95% | 115 | 3975 | 2,89% |
| | 1 | 234 | 0% |
| 1% | 7 | 1112 | 1% |
| 1,00% | 8 | 1346 | 0,59% |
| 13% | 165 | 1254 | 13% |
| 5% | 182 | 4141 | 4% |
| 1% | 20 | 567 | 4% |
| 2% | 293 | 13308 | 2% |
| 3,31% | 660 | 19270 | 3,43% |
| 5% | - | - | |
| 4% | - | - | |

| | | | |
|--------------|---|---|--|
| 3% | - | - | |
| 4,19% | - | - | |

| | | | |
|--------------|-------------|--------------|--------------|
| 20% | 36 | 213 | 17% |
| 13% | 547 | 5046 | 11% |
| 7% | 1377 | 24943 | 6% |
| 8,03% | 1960 | 30202 | 6,49% |

| | | | |
|--------------|-------------|--------------|--------------|
| 11% | 165 | 1168 | 14% |
| 5% | 375 | 5963 | 6% |
| 5% | 54 | 563 | 10% |
| 6% | 444 | 6539 | 7% |
| 5,87% | 1038 | 14233 | 7,29% |

| | | | |
|--------------|------------|-------------|--------------|
| 38% | 150 | 435 | 34% |
| 8% | 157 | 1626 | 10% |
| 4% | 143 | 3952 | 4% |
| 6,98% | 450 | 6013 | 7,48% |

| | | | |
|--------------|------------|-------------|--------------|
| 29% | 38 | 163 | 23% |
| 10% | 173 | 1764 | 10% |
| | - | - | |
| 6% | 184 | 3408 | 5% |
| 8,01% | 395 | 5335 | 7,40% |

| | | | |
|--|------------|---------------|--------------|
| | 12 | 3920 | 0% |
| | 249 | 41887 | 1% |
| | - | 82577 | |
| | 261 | 128384 | 0,20% |

| | | | |
|--|--------------|---------------|--|
| | 30470 | 720033 | |
|--|--------------|---------------|--|

| | | 2016 | 2017 | | |
|----------------|--|--|-----------|----------|----------------|
| Others/unknown | Ratio National to Foreigner registration car | % unknown registration car country group | Foreigner | National | Others/unknown |
| 14218 | 12,22 | 20,41% | 4061 | 49449 | 14145 |
| 9788 | 21,17 | 12,38% | 3096 | 62634 | 8932 |
| 1928 | 39,02 | 14,50% | 384 | 10087 | 2073 |
| 32982 | | 100,00% | - | 24070 | 9051 |
| 1277 | | 100,00% | - | - | 1231 |
| 7925 | 25,20 | 21,60% | 1099 | 27857 | 7659 |
| 125369 | 32,09 | 21,04% | 14421 | 445747 | 123040 |
| 1334 | 6,19 | 24,55% | 591 | 3354 | 1332 |
| 2721 | | 100,00% | - | - | 2554 |
| 2697 | 59,23 | 12,73% | 258 | 17284 | 2709 |
| 195037 | | 100,00% | - | - | 195486 |
| 8356 | | 100,00% | - | - | 7874 |
| 27029 | 50,41 | 24,56% | 1121 | 77761 | 32448 |
| 3241 | 11,02 | 16,31% | 1264 | 15028 | 3322 |
| 6690 | 21,17 | 21,61% | 1094 | 23399 | 6520 |
| 11687 | | 100,00% | - | - | - |
| 213 | 124,91 | 13,33% | 14 | 1349 | 233 |
| 347197 | | 100,00% | - | - | 345920 |
| 267 | 3,15 | 15,94% | 333 | 1125 | 280 |
| 1846 | 28,08 | 27,31% | 215 | 4952 | 1809 |
| 296 | 186,86 | 10,12% | 15 | 2693 | 377 |
| 11856 | 37,24 | 32,33% | 664 | 24181 | 10638 |
| 1246 | 34,30 | 16,79% | 182 | 5857 | 1134 |
| 64686 | | 100,00% | - | - | 63088 |
| 57857 | | 100,00% | - | - | 61846 |
| 16961 | 12,01 | 30,45% | 2622 | 37137 | 16737 |
| 3190 | 241,91 | 12,99% | 916 | 21679 | 3631 |
| 3896 | 16,92 | 30,56% | 504 | 8079 | 3512 |
| 2138 | 15,18 | 21,07% | 533 | 7544 | 2161 |
| 288137 | | 99,90% | - | - | 274759 |

| | 2017 | | 2018 | | | |
|--|--|--|-----------|----------|----------------|--|
| Ratio National to Foreigner registration car | % unknown registration car country group | | Foreigner | National | Others/unknown | Ratio National to Foreigner registration car |
| 12,18 | 20,91% | | 3912 | 47671 | 14235 | 12,19 |
| 20,23 | 11,96% | | 3085 | 63189 | 9764 | 20,48 |
| 26,27 | 16,53% | | 422 | 9911 | 2005 | 23,49 |
| | 27,33% | | - | - | 33228 | |
| | 100,00% | | - | - | 977 | |
| 25,35 | 20,92% | | 1115 | 28297 | 8139 | 25,38 |
| 30,91 | 21,10% | | 14686 | 445605 | 132958 | 30,34 |
| 5,68 | 25,24% | | 649 | 3518 | 1476 | 5,42 |
| | 100,00% | | - | 1985 | 1219 | |
| 66,99 | 13,38% | | 277 | 17120 | 2653 | 61,81 |
| | 100,00% | | - | - | 195341 | |
| | 100,00% | | - | - | 7693 | |
| 69,37 | 29,15% | | 1349 | 76480 | 28083 | 56,69 |
| 11,89 | 16,94% | | 1485 | 14836 | 2988 | 9,99 |
| 21,39 | 21,02% | | 1140 | 23875 | 6567 | 20,94 |
| | 0,00% | | - | - | - | |
| 96,36 | 14,60% | | 5 | 1313 | 183 | 262,60 |
| | 100,00% | | - | - | 339443 | |
| 3,38 | 16,11% | | 393 | 1057 | 234 | 2,69 |
| 23,03 | 25,93% | | 126 | 5174 | 1819 | 41,06 |
| 179,53 | 12,22% | | 12 | 2318 | 426 | 193,17 |
| 36,42 | 29,98% | | 701 | 23332 | 11965 | 33,28 |
| 32,18 | 15,81% | | - | - | - | |
| | 100,00% | | - | - | - | |
| | 100,00% | | - | - | 63881 | |
| 14,16 | 29,63% | | 2056 | 36590 | 16125 | 17,80 |
| 23,67 | 13,85% | | 1092 | 20415 | 3638 | 18,70 |
| 16,03 | 29,04% | | 523 | 7932 | 3332 | 15,17 |
| 14,15 | 21,11% | | 436 | 7224 | 2183 | 16,57 |
| | 100,00% | | 271 | - | 260020 | |

| 2018 |
|--|
| % unknown registration car country group |
| 21,63% |
| 12,84% |
| 16,25% |
| 100,00% |
| 100,00% |
| 21,67% |
| 22,41% |
| 26,16% |
| 38,05% |
| 13,23% |
| 100,00% |
| 100,00% |
| 26,52% |
| 15,47% |
| 20,79% |
| 0,00% |
| 12,19% |
| 100,00% |
| 13,90% |
| 25,55% |
| 15,46% |
| 33,24% |
| 0,00% |
| 0,00% |
| 100,00% |
| 29,44% |
| 14,47% |
| 28,27% |
| 22,18% |
| 99,90% |

Automated enforcement and speed camera network in Poland - Use of EU funding

CANARD Automatic Traffic Control Center <https://bit.ly/3fhulAe>

The project "Increasing the effectiveness and efficiency of the automatic road supervision system" co-financed by the European Union under the Operational Program Infrastructure and Environment 2014-2020, is the development and continuation of the project "Construction of the central automatic road supervision system" implemented in 2011-2015 under the Operational Program Infrastructure and Environment 2007-2013, action 8.1 "Road safety", priority VIII "Transport safety and national transport networks".

The project is intended to improve road safety using automatic road traffic supervision, assuming that the supervision will cover roads that are part of the entire national public road network. The activities planned as part of increasing the efficiency and effectiveness of the system include the inclusion of the latest generation devices in the system.

The aim of the project is to improve road safety on the national public road network. Achievement of the above the main objective will be possible thanks to the implementation of specific objectives, i.e.

- decrease in the number of fatalities in accidents in the area of project impact;
- increasing the efficiency and streamlining of CANARD activities (including through the use of more technologically advanced recording devices);
- increase in the total number of roads covered by automatic road traffic supervision.

The project will cover the implementation of 3 key tasks:

1. Purchase of 358 pieces of new recording devices dedicated to all categories of roads, including the purchase of recording devices for point speed measurement and section speed measurement, devices recording red light and devices monitoring non-compliance with traffic lights on level crossings and portable recording devices;
2. Expansion of the ICT infrastructure by adding new functionalities increasing the effectiveness of the CPD CANARD system (creation of a dedicated data exchange platform).
3. Providing the functional facilities of the project (purchase of equipment, software and additional services). The total cost of the project is PLN 162,000,000.00, the value of eligible expenses is PLN 162,000,000, including: from the European budget: PLN 137,700,000.00.

Initial project: Construction of the Central Automatic Traffic Supervision System

POIS.08.01.00-00-030 / 12

Project objective: increasing road safety and reducing the number of victims fatalities through the implementation of an efficient and effective system automatic traffic control

Eligible cost: PLN 188.9 million

Co-financing from the ERDF: PLN 160.5 million (according to the annex to the Co-financing Agreement)

Project scope (3 tasks):

- 1) purchase of speed camera infrastructure for fixed and mobile surveillance traffic
- 2) establishment of the Automatic Traffic Control Center
- 3) purchase of system software enabling automatic processing data from recording devices

| Urządzenia stacjonarne GITD Fixed equipment | Wypadki (śr. na miesiąc) Collisions/month | Zabici (śr. na miesiąc) Deaths/month | Ranni (śr. na miesiąc) Injured/month |
|---|--|---|---|
| Lata 2008-2012 (przed instalacją urządzeń) Years 2008-2012 (before installation of equipment) | 17,3 | 2,7 | 22,9 |
| Lata 2013-2014 (po instalacji urządzeń) Years 2013-2014 (after installation of equipment) | 12,8 | 1,3 | 15,8 |
| REDUKCJA Reduction | -26,0% | -51,9% | -31,0% |

Data on the state of fixed speed cameras (for the period January 2008- September 2014)
<https://www.krbrd.gov.pl/pl/163-fotoradary.html>

Relevant news

111 new speed cameras on Polish roads. Including five completely new types

October 2019 <https://tvn24.pl/biznes/z-kraju/fotoradary-gitd-w-2020-rozpoczniemy-montaz-111-nowych-fotoradarow-ra980041-4509026>

Chief Road Transport Inspector Alvin Gajadhur announced on Thursday that there will be 111 new speed cameras on Polish roads. He emphasized that the devices will stand in dangerous places where tragic road accidents occur.

As reported by the Chief Inspector of Road Transport, the purchase of new equipment is associated with the new project "Increasing the effectiveness and efficiency of the automatic road supervision system", which is co-financed by the European Union under the Operational Program

Infrastructure and Environment 2014-2020. - The first new devices should appear in the third quarter of 2020 - Alvin Gajadur pointed out, adding that the devices will stand in dangerous places where tragic road accidents occur.

GITD plans to buy 39 new devices for staple average speed measurement, 26 new stationary recording devices, 30 new devices used to monitor the entrance to the intersection at a red light, and 11 portable recording devices to improve safety in hazardous locations where it is not possible to install stationary recording equipment, inter alia for technical reasons. Alvin Gajadur also announced that there will be new speed cameras that have never been in Poland before. - These will be recorders of red light at railway crossings. They will be installed at the most dangerous level crossings, where tragic accidents occurred - he explained. In total, GITD plans to buy five such devices.

The representatives of the Main Road Transport Inspectorate in response to tvn24bis.pl informed that the locations of devices installed under the new project "will be selected after conducting a road safety analysis, which will be carried out at the request of CANARD Motor Transport Institute."

"The Center for Automatic Road Traffic Supervision has currently registered nearly 2,500 applications for the installation of recording devices managed, among others, by the General Directorate for National Roads and Motorways, the police, local governments, local communities and citizens," they pointed out.

In addition, the Inspectorate plans to purchase 247 new stationary recording devices and set them in the locations used so far, "provided that the road safety analysis justifies such action." In addition to new speed cameras, as part of the GITD project, it plans to expand its ICT infrastructure by, among others, purchasing vehicles with portable recording devices. The total amount of expenditure under the project is PLN 162 million, of which co-financing from the European Union will amount to 85 percent, i.e. PLN 137.7 million.

New speed cameras will be more effective in hunting pirates - equipment for over PLN 110 million
Jun 26, <https://www.auto-swiat.pl/wiadomosci/aktualnosci/nowe-fotoradary-beda-skuteczniej-polowac-na-piradow-sprzet-za-ponad-110-mln-zl/l8n3ptx>

The new speed camera system in Poland is getting closer. Seven bidders came to the government tender for several hundred new devices for speed recording, section measurements and ignoring the red light. There is over PLN 110 million to spend.

The government allocated over PLN 110 million to the purchase of new equipment for the automatic traffic control system

A total of 358 new next-generation devices will be recorded along Polish roads to record speed and other traffic offenses New speed cameras will record violations in both directions. GITD

expects that the equipment will also work in a high-speed measurement situation (up to at least 220 km / h)

Over PLN 110 million was allocated to the purchase of several hundred new devices to increase the efficiency and effectiveness of speed cameras on national roads. Three groups of devices will be purchased under the tender. In addition to traditional fixed speed cameras (purchase for over 66 million PLN) taking a picture in case of speeding, further sets for segmental speed measurement (16.4 million PLN) and devices recording offenses "in terms of non-compliance with light signals" (30 , PLN 7 million). ET

Annex IV – Survey on assessment of impacts

Analysis of survey results

To gather evidence for the assessment of impacts, two surveys were launched during the period of 27 May 2021 and 5 July 2021. The survey was distributed to all stakeholder groups.

The survey are structured as follows. For each earlier identified problem, respondents were asked to assess to what extent a policy measure could contribute to a solution. This exercise was clustered at different elements of a problem (for example related to VRD, information letters, detection equipment, etc.).

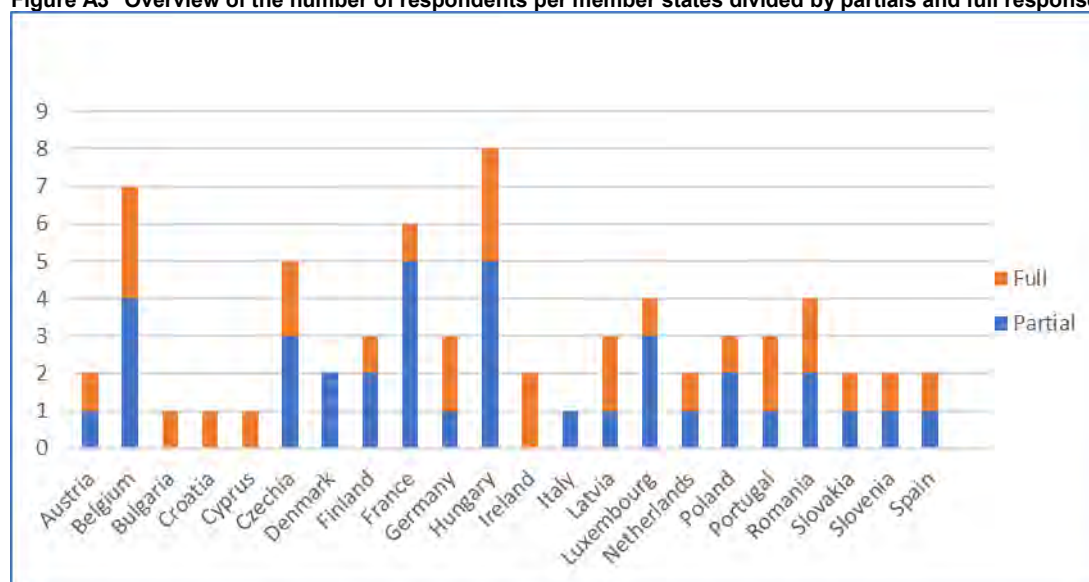
After respondents were asked to what extent the measures could remove the problem, a question was asked on how this might affect the impact categories (road safety, administrative costs, fundamental rights and road user costs). With this document, we have also an included a pdf, which includes all the data in pdf-format.

In this annex, we quickly provide the number and geographical information of respondents. The full input file is also attached in this Annex.

Geographical coverage

A total of 68 respondents have filled in the table, of which 30 respondents (44%) reached the end.. The figures below illustrate the total of respondents per Member States, that provided partial or full responses as well as what the division between type of authority/ministry is per Member State.

Figure A3 Overview of the number of respondents per member states divided by partials and full response



Final questionnaires and results

The relevant documents are provided in PDF, which includes the:

- programmed questionnaires for the survey;
- results as presented in Checkmarket format for the survey

Revision of the CBE Directive - assessment of impacts survey

Revision of the CBE Directive - assessment of impacts survey

The European Commission is considering a revision on the Cross-Border Enforcement Directive (Directive (EU) 2015/413) that facilitates cross-border exchange of information on road-safety-related traffic offences (hereafter called the CBE Directive). The revision would aim at increasing the efficiency and effectiveness of the CBE Directive, improving the exchange of information on road traffic offences as well as the subsequent effect on enforcement of road traffic rules.

As such, a set of potential solutions have been identified to resolve the identified problems. In the following survey, **we would like to ask for your views and any supporting evidence you could provide on the positive and negative impacts these different potential solutions could be expected to have on costs, road safety and fundamental rights.**

Your information is important for the evidence-based policy making of the European Union. It will help to estimate what set of solutions would have the best impacts, and we would like to already thank you for your time and patience.

This survey is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety).

The evidence collected in this survey will be **used as inputs in the estimation of costs and benefits carried out during the [Impact Assessment support study for the revision of the Cross-Border Enforcement Directive](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules)** <https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules>

No confidential information is asked for in this survey. Any private information collected by us, i.e. the European Commission's appointed research contractor (Ecorys, and its partners Grimaldi and Wavestone), will not be shared with anyone outside the research team. For more information on our data privacy policy, please click on the following link: [Privacy notice](#)

If you have any remaining questions, please don't hesitate to contact us at cbe@ecorys.com

We would like to ask some background information on your Member State / the Member State that you represent, and your organisation/institution.

* 1. Which country are you located in?

- | | |
|-------------------------------------|---|
| <input type="radio"/> Austria | <input type="radio"/> Belgium |
| <input type="radio"/> Bulgaria | <input type="radio"/> Croatia |
| <input type="radio"/> Cyprus | <input type="radio"/> Czechia |
| <input type="radio"/> Denmark | <input type="radio"/> Estonia |
| <input type="radio"/> Finland | <input type="radio"/> France |
| <input type="radio"/> Germany | <input type="radio"/> Greece |
| <input type="radio"/> Hungary | <input type="radio"/> Ireland |
| <input type="radio"/> Italy | <input type="radio"/> Latvia |
| <input type="radio"/> Lithuania | <input type="radio"/> Luxembourg |
| <input type="radio"/> Malta | <input type="radio"/> Netherlands |
| <input type="radio"/> Poland | <input type="radio"/> Portugal |
| <input type="radio"/> Romania | <input type="radio"/> Slovakia |
| <input type="radio"/> Romania | <input type="radio"/> Slovakia |
| <input type="radio"/> Slovenia | <input type="radio"/> Spain |
| <input type="radio"/> Sweden | <input type="radio"/> Switzerland |
| <input type="radio"/> Liechtenstein | <input type="radio"/> Iceland |
| <input type="radio"/> Norway | <input type="radio"/> Other, please specify |

* 2. What type of organisation do you represent?

- Ministry of Transport
- Ministry of Justice
- Ministry of Interior
- Road Safety organisations
- Other, please specify

- Transport authority
- Justice Authority
- Police authority
- Road User Association

3. What is the name of your organisation/institution?

One of the problems identified, that negatively impact the execution of the CBE Directive, is that the road traffic offences are not investigated because the offence has not been detected, possibly because of a lack of resources, disparity of technical standards for automatic checking equipment and of methods of detection of the offences between MS and the fact that the CBE Directive covers limited number of road traffic offences.

By clicking on the title of the following possible solution, more concrete information is provided on the possible solution.

*** 4. Based on your expert knowledge and evidence available to you, would the following measures have an impact on the number of detected vehicles under the CBE Directive?**

| | Large decrease in number of detected vehicles | Small decrease in number of detected vehicles | No effect | Small increase in number of detected vehicles | Large increase in number of detected vehicles | What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory) | I do not know |
|--|---|---|-----------------------|---|---|--|-----------------------|
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input style="width: 100%; height: 25px;" type="text"/> | <input type="radio"/> |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input style="width: 100%; height: 25px;" type="text"/> | <input type="radio"/> |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input style="width: 100%; height: 25px;" type="text"/> | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input style="width: 100%; height: 25px;" type="text"/> | <input type="radio"/> |

5. Do you have any suggestions for other specific EU level policy solutions to increase the number of detected offences? If yes, please describe them, including how it would affect the number of detected offences committed with foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account.

In 2016, in its report to the European Parliament on the application of the CBE Directive the Commission has pointed out that there is a clear need for Member States to better exploit the potential of the system for VRD exchange established under the Directive. Member States could do so by a more active investigation of road traffic offences committed by non-residents.

However, the problem is several-fold. It is related to the availability of necessary VRD and the management and coherence of national vehicle registers across Member States. The problem evolves even further, as it also involves cooperation between national authorities and legal issues. These legal issues have both a substantive and procedural nature and their solution is needed in order to guarantee mutual assistance in investigation of road traffic offences.

- * 6. Based on your expert knowledge and evidence available to you, would the following measures, aimed at increasing information and quality of Vehicle Register Databases (VRD), resolve issues with the registration of the vehicle involved in the offence?

| | Large decrease in information and quality of VRD | Small decrease in information and quality of VRD | No effect | Small increase in information and quality of VRD | Large increase in information and quality of VRD | What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | I do not know |
|---|--|--|-----------------------|--|--|---|-----------------------|
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |

7. Do you have any suggestions for other specific EU level policy solutions to increase the information and quality of the Vehicle Register Database? If yes, please describe them, including the way how it would impact the number of detected offending foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account.

*** 8. In your expert knowledge and with the information available to you, would the following measures improve the investigation process to identify the presumed foreign offender?**

| | | | | | | What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | | I do not know |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---|-----------------------|---------------|
| | Large deterioration | Small deterioration | No effect | Small improvement | Large improvement | | | |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> | |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> | |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> | |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> | |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> | |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED" survey.questions.M14 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> | |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> | |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> | |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> | |

9. Do you have any suggestions for other specific EU level policy solutions to the investigation process to identify the presumed foreign offender? If yes, please describe them, including the way how it would impact the number of detected offending foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account.

The instrument to recognise and enforce financial penalties issued by a foreign authority is Framework Decision 2005/214/JHA ("the Framework Decision") is in principle designed for criminal offences. The different procedural rules and related procedural rights foreseen in Member States may limit the applicability of the Framework Decision's mechanism to road traffic offences as in many EU jurisdictions, road traffic offences are qualified as minor administrative offences and their recognition and enforcement is problematic. This can create less efficiencies with the implementation of the CBE Directive.

*** 10. In your expert knowledge and with the information available to you, would the following measure improve mutual recognition procedures of financial penalties for road traffic offences?**

| | Large | Small | No effect | Small | Large | What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | I do not know |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---|-----------------------|
| | deterioration | deterioration | | improvement | improvement | | |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |

11. Do you have any suggestions for other specific EU level policy solutions to improve the cross-border enforcement of financial penalties for road traffic offences? If yes, please describe them, including the way how it would impact the number of detected offending foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account

One of the problems addresses the need for a wider data collection to measure the effectiveness and efficiency of the CBE Directive. The lack of relevant data results in missing feedback enabling to optimise the revision of the Directive.

According to Article 6 of the CBE Directive, each Member State should provide every two years a comprehensive report describing the situation at national level in relation to the follow-up given to the road-safety-related traffic offences, based on the proportion of such offences which have been followed up by information letters. Given the necessity for the Commission to evaluate the effectiveness and efficiency of the Directive, the Member States' comprehensive reports are fundamental.

*** 12. In your opinion, would the following measure resolve the problem of insufficient information for the evaluation of effects of the CBE Directive, improving the ability to monitor the functioning of the CBE Directive?**

| | Large | Small | No effect | Small | Large | What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | I do not know |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---|-----------------------|
| | deterioration | deterioration | | improvement | improvement | | |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |

13. Do you have any suggestions for other specific EU level policy solutions to increase the information available for the evaluation of the effects of the CBE directive? If yes, please describe them, including the way how it would impact the ability to monitor the CBE Directive. Please mention their strength and weaknesses and key considerations that have to be taken into account.

Questions on impacts

In the following, we would like to ask you about the size of the effect measures can be expected to have in terms of five key impacts. The Commission will use this information for their ex-ante assessment (EU Commission Impact Assessment). Please base your answers on evidence available to you or your specialist knowledge and experience in your field.

Policy measures, even those that ultimately have a high net-benefit for EU Society, will always be associated with a trade-off between costs and benefits that mostly do not fall on the same stakeholder groups. To allow us to estimate, or qualitatively assess, the magnitude of the expected costs and benefits, we collect evidence on the following different costs and benefits. **Please note that, for your comfort and with respect to your time, we have made a pre-selection on the relevant policy measures per type of costs and benefits.**

Costs

A) *Administrative costs for public sector in Member States* "There are costs involved in the investigation of road traffic offences committed by foreign registered vehicles and enforcement of sanctions for these offences, mainly incurred by public authorities. One should note that such costs are also incurred for the offences committed by domestic registered vehicles. The study team found that especially the costs for cross-border enforcement of sanctions for road traffic offences are higher, often because of additional costs." position="right"

B) *Costs for road users (private sector and citizens/households)* "The road user that receives a penalty notice is expected to face higher costs when the penalty notice is sent from abroad. There are multiple reasons for this, but the main finding is that this difference originates from the time spent by presumed foreign offenders on understanding the content of the penalty notice and legal implications in the Member State in which the offence was committed." position="right"

Benefits

C) *Road safety* "Some policy measures aim to increase the effectiveness of the CBE Directive, aiming to incentivize foreign road users to better abide to local traffic rules. If local traffic rules are better respected (resulting from a revision of the Directive), EU roads are expected to become safer, with an expected decrease in the frequency of traffic accidents. In 2018, more than 900,000 road accidents (involving injury) were detected on EU roads. The study estimates that in 3-25% of these accidents, at least one foreign registered vehicle was involved (depending on the concerned MS)." position="right"

D) *Fairness (equal treatment of domestic and foreign road users)* "The extent to which offences can be detected and their penalty enforced depends on the license plate of the vehicle. If a road user in a domestic registered vehicle road user commits an offence, the likelihood that the sanction (e.g. payment of penalty notice, driving disqualifications, and so on) can be enforced is substantially higher than when it concerns a foreign registered vehicle. Some policy measures aim to decrease this difference in likelihood and might therefore lead to a more fair situation (as both road users in domestically and foreign registered vehicles are punished equally for committing the same offence on the same road)."

E) *Protection of fundamental rights of foreign offenders* "Earlier studies have shown that the fundamental rights of EU citizens might be violated as a result of practices that are derived from the CBE Directive. Especially, it concerns the following fundamental rights: Protection of personal data (CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, Art. 8). When the data exchanged between authorities in Member States is incorrect, rules concerning the protection and processing of personal data are violated. It is found that vehicle registers are sometimes outdated and erroneous for several reasons. Right to an effective remedy and to a fair trial (CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, Art. 47). It is found that in many occasions, penalty notices to foreign (presumed) offenders are not translated. The presumed offender is not always provided with all relevant evidence. Moreover, debt collection companies do not always respect the rules."

At the end of the survey, you will also have the opportunity to share any documentation related to the costs and benefits.

Administrative costs

The study team has identified the following cost categories to be specifically related to the cross-border enforcement of traffic offences:

- Time spent by responsible national/local authorities on domestic and foreign vehicles for the investigation of offences
- Translation costs
- Delivery costs / shipping costs
- Costs for development and/or management of EUCARIS

In the following set of questions, we specify in more detail what makes up these costs, and ask you what the effect will be of the proposed measures on these costs

Difference between time spent by responsible national/local authorities on domestic and foreign vehicles for the investigation of offences

Member States indicate that they usually spent more time on investigating offences committed by foreign registered vehicles than they do for the investigation of offences committed by domestic registered vehicles. The EU-wide difference is estimated to be between 1 and 7 minutes, indicating that the investigation time for offences committed by foreign registered vehicles is between 1 and 7 minutes higher than the investigation time for offences committed by domestic registered vehicles, but huge differences per Member State exist.

*** 14. To your expert knowledge and with the information available to you, what is the effect of the following measures on the difference between time spent by responsible national/local authorities on domestic and foreign vehicles for the investigation of offences?**

| | Large increase | Small increase | No impact | Small decrease | Large decrease | To your opinion, what would be the impact in minutes? (non-mandatory) I do not know | |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---|-----------------------|
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED" survey.questions.M14 position="right"}}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

| | | | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|--|-----------------------|
| enforcement of road traffic rules" survey.questions.M15 position="right"}} | | | | | | | | |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |

Translation costs

When providing the presumed offender with a penalty notice, penalty notices need to be translated in a language familiar to the offender. The study team found that Member States use standard documents with automatic translation for this. The costs for the translation is expected to differ per Member States, but only one Member State has provided input for this. In rare cases, the occasional costs (on a case-by-case basis) of translating are expected to be between € 30 – € 90. These costs are only incurred when investigating traffic offences committed by foreign registered vehicles.

*** 15. To your expert knowledge and information available to you, what is the effect of the following measures on translation costs associated with translating the penalty notice in a language familiar to the offender?**

| | Large | Small | No impact | Small | Large | To your opinion, what would be the impact in EUR? (non-mandatory) I do not know | |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---|-----------------------|
| | increase | increase | | decrease | decrease | | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

| | | | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|--|-----------------------|
| the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | | | | | | | | |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED " survey.questions.M14 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M20 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |

Delivery costs / shipping costs

When providing the presumed offender with a penalty notice, it is found that the overwhelming majority of Member States do this by mail. Although this is also the case when penalty notices are sent to domestic road users, the costs for the delivery of documents are higher when the presumed offender resides abroad. The delivery costs are expected to be between € 0,25 - € 6,00 higher for cross-border offences.

* 16. To your expert knowledge and with the information available to you, what is the effect of the following measures on delivery costs / shipping costs of the penalty notice in a language familiar to the offender?

| | Large increase | Small increase | No impact | Small decrease | Large decrease | To your opinion, what would be the impact in EUR? (non-mandatory) | I do not know |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---|-----------------------|
| | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

| | | | | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|--|--|-----------------------|
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | | | | | | | | | |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED" survey.questions.M14 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | | <input type="radio"/> |

| | | | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|--|-----------------------|
| of road traffic offences" survey.questions.M20 position="right"}} | | | | | | | | |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |

Costs for development and/or management of EUCARIS

When investigating a traffic offence committed by a foreign registered vehicle, a search is made in the EUCARIS application. These costs are only incurred when investigating traffic offences committed by foreign registered vehicles. The total costs for the development and management of EUCARIS are estimated between € 400,000 and € 600,000 on an annual basis (e.g. approximately € 15,000 - € 25,000 per Member State on average)

*** 17. According to your expert knowledge and the information available to you, what is the effect on the costs for management and development of EUCARIS of the following measures?**

| | Large | Small | No impact | Small | Large | To your opinion, what would be the impact in EUR? (non-mandatory) | I do not know |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---|-----------------------|
| | increase | increase | | decrease | decrease | | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M13 - {{modal "Ensure consistent and seamless language regime in | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

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|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|-----------------------|
| the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | | | | | | | |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED" survey.questions.M14 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

Costs for road users (private sector and citizens/households)

As previously mentioned, besides costs incurred in the investigation of offences (administrative costs), also the road user that receives a penalty notice is expected to face higher costs when the penalty notice is sent from abroad. There are multiple reasons for this, but the main finding is that this difference originates from the time spent by foreign presumed offenders on understanding the content of the penalty notice and legal implications in the Member State in which the offence was committed (such as the legal liability regime for traffic offences and applicable appeal procedures).

* 18. To your expert knowledge and experience, what is the effect of the following measures on time spend by foreign presumed offenders on understanding the penalty notice?

| | Large increase | Small increase | No impact | Small decrease | Large decrease | To your opinion, what would be the impact in minutes? (non-mandatory) | I do not know |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---|-----------------------|
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

| | | | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/discard it upon request" survey.questions.M6 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED " survey.questions.M14 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

Road safety benefits

As previously mentioned, road-safety related traffic rules are imposed to increase the safety on European roads. However, if sanctions cannot be fully enforced, road users in foreign registered vehicles might be more likely to violate traffic rules. Some policy measures aim to increase the effectiveness of the CBE Directive, aiming to incentivize road users in foreign registered vehicle to better abide to local traffic rules. In 2018, more than 900,000 road accidents (involving injury) were detected on European roads. The study estimates that in 3-25% of these accidents, at least one foreign registered vehicle was involved (depending on the Member State it concerns). When only considering accidents occurring on motorways, it is found that in 7 – 50% of all accidents (involving injury) that occur on motorways at least one foreign vehicle is involved.

* 19. To your expert knowledge and experience, how would the following measures effect the total number of road accidents in which at least one foreign registered vehicle is involved?

| | Large | Small | No impact | Small | Large | To your opinion, what would be the impact in percentages (non-mandatory) I do not know | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|-----------------------|
| | increase | increase | | decrease | decrease | | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED " survey.questions.M14 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |

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|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|--|-----------------------|
| survey.questions.M17 position="right"}} | | | | | | | | |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |

Fairness (equal treatment of domestic and foreign offenders)

The extent to which offences can be detected and their penalty enforced depends on the license plate of the vehicle. If a road user in a domestic registered vehicle road user commits an offence, the likelihood that the sanction (e.g. payment of penalty notice, driving disqualifications, and so on) can be enforced is substantially higher than when it concerns a foreign registered vehicle. Some policy measures aim to decrease this difference in likelihood and might therefore lead to a more fair situation (as both road users in domestically and foreign registered vehicles are punished equally for committing the same offence on the same road). In this respect, two indicators are of importance.

1) There is a difference in the likelihood to which an offence is detected and properly investigated. Where it concerns offender with domestically registered vehicles, authorities have more information to detect and investigate the offence. Policy measures might lead to a higher degree of detection and more information available to follow-up offences.

2) There is a difference in enforcement possibilities after an initial penalty notice is sent. Policy measures might result in a more effective enforcement mechanism, reducing the difference in enforcement possibilities between offences committed in domestic and in foreign registered vehicles.

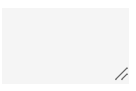
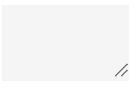
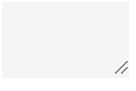
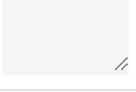
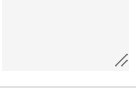
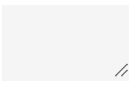
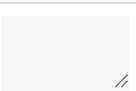
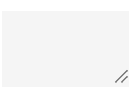
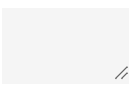
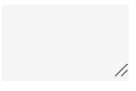
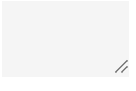
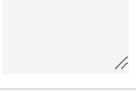
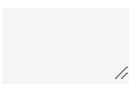
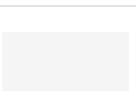
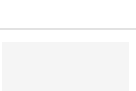
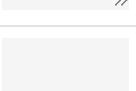
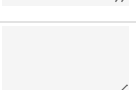
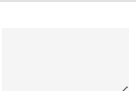
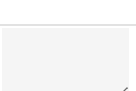
* 21. To your expert knowledge and experience, how would the following measures effect the likelihood of the successful identification of the presumed foreign offenders?

| | Large increase | Small increase | No impact | Small decrease | Large decrease | To your opinion, what would be the impact in percentages (non-mandatory) | I do not know |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|-----------------------|
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

| | | | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|--|-----------------------|
| the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | | | | | | | | |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED " survey.questions.M14 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |

*** 22. To your expert knowledge and experience, how would the following measures effect the likelihood of the successful enforcement of sanctions on the presumed foreign offenders?**

| | Large increase | Small increase | No impact | Small decrease | Large decrease | To your opinion, what would be the impact in percentages | |
|--|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|-----------------------|
| | | | | | | (non-mandatory) | I do not know |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

| | | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|---|-----------------------|
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED " survey.questions.M14 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |  | <input type="radio"/> |

Protection of fundamental rights of foreign offenders

Earlier studies have shown that the fundamental rights of EU citizens might be violated as a result of practices that are derived from the CBE Directive. Especially, it concerns the following fundamental rights:

- *Protection of personal data* (CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, Art. 8). When the data exchanged between authorities in Member States is incorrect, rules concerning the protection and processing of personal data are violated. It is found that vehicle registers are sometimes outdated and erroneous for several reasons.
- *Right to an effective remedy and to a fair trial* (CHARTER OF FUNDAMENTAL RIGHTS OF THE EUROPEAN UNION, Art. 47). It is found that in many occasions, penalty notices to foreign (presumed) offenders are not translated. Moreover, debt collection companies do not always respect the rules. Moreover, the presumed offender is not always provided with all relevant evidence.

* 23. To your expert knowledge and with the information available to you, how would the following measures effect the protection of personal data of a presumed foreign offenders?

| | Large deterioration of the protection of personal data of a presumed foreign offenders | Small deterioration of the protection of personal data of a presumed foreign offenders | No impact | Small improvement of the protection of personal data of a presumed foreign offenders | Large improvement of the protection of personal data of a presumed foreign offenders | To your opinion, what would be the impact in percentages (non-mandatory) | I do not know |
|---|--|--|-----------------------|--|--|--|-----------------------|
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="text"/> | <input type="radio"/> |

| | | | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|--|--|-----------------------|
| survey.questions.M11 position="right"}} | | | | | | | | |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED " survey.questions.M14 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | | <input type="radio"/> |

*** 24. To your expert knowledge and with the information available to you, how would the following measures effect the right to an effective remedy and to a fair trial?**

| | Large deterioration of the protection of the right to an effective remedy and fair trial | Small deterioration of the protection of the right to an effective remedy and fair trial | No impact | Small improvement of the protection of the right to an effective remedy and fair trial | Large improvement of the protection of the right to an effective remedy and fair trial | To your opinion, what would be the impact in percentages (non-mandatory) | I do not know |
|--|--|--|-----------------------|--|--|--|-----------------------|
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | | <input type="radio"/> |

| | | | | | | | | |
|---|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED" survey.questions.M14 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> | <input type="radio"/> |

* 25. And finally, do you hold any information (e.g. reports, articles, data, ...) to illustrate your responses to the previous

questions on impacts on costs and benefits?

Yes

No

26. Would you like to upload a document with information on the previous questions of impacts on costs and benefits

Upload file...

Upload file...

Upload file...

27. Would you like to share a link instead?

Link 1

Link 2

Link 3

28. Thank you for taking the time to fill in this extensive survey. Please note that we greatly appreciate all your time and efforts to help us provide information with this study! If you have any remaining comments, feel free to use the text box below.

Your responses have been registered!

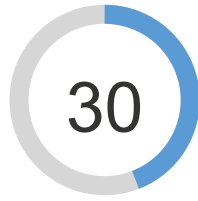
Thank you for taking the time to complete the survey, your input is valuable to us.

Revision of the CBE Directive - assessment of impacts survey

Respondents

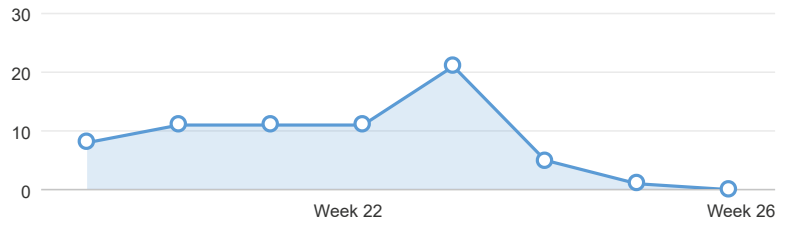


Reached end



44%





















Response timeline



N 68

Identification questions

Which country are you located in?

| | Count | % of responses | % |
|-------------|-------|---|-----|
| Hungary | 8 |  | 12% |
| Belgium | 7 |  | 10% |
| France | 6 |  | 9% |
| Czechia | 5 |  | 7% |
| Luxembourg | 4 |  | 6% |
| Romania | 4 |  | 6% |
| Finland | 3 |  | 4% |
| Germany | 3 |  | 4% |
| Latvia | 3 |  | 4% |
| Poland | 3 |  | 4% |
| Portugal | 3 |  | 4% |
| Austria | 2 |  | 3% |
| Denmark | 2 |  | 3% |
| Ireland | 2 |  | 3% |
| Netherlands | 2 |  | 3% |
| Slovakia | 2 |  | 3% |
| Slovenia | 2 |  | 3% |
| Spain | 2 |  | 3% |
| Bulgaria | 1 |  | 1% |
| Croatia | 1 |  | 1% |










N 68

Which country are you located in? - Other, please specify

| Other, please specify | Report |
|-----------------------|-------------------|
| testing | ↗ |

N 1

What type of organisation do you represent?

| | Count | % of responses | % |
|---------------------------|-------|---|-----|
| Ministry of Transport | 19 |  | 28% |
| Transport authority | 4 |  | 6% |
| Ministry of Justice | 4 |  | 6% |
| Justice Authority | 1 |  | 1% |
| Ministry of Interior | 14 |  | 21% |
| Police authority | 14 |  | 21% |
| Road Safety organisations | 4 |  | 6% |
| Road User Association | 5 |  | 7% |
| Other, please specify | 3 |  | 4% |

N 68

What type of organisation do you represent? - Other, please specify

| Other, please specify | Report |
|----------------------------------|-------------------|
| ministry of Infrastructure | ↗ |
| Consumer Protection Organsiation | ↗ |
| tesing | ↗ |

N 3

What is the name of your organisation/institution?

What is the name of your organisation/institution?



What is the name of your organisation/institution?

| What is the name of your organisation/institution? | Report |
|--|-------------------|
| Unité de Coordination de la lutte contre l'insécurité routière Coordination unit for the fight against road insecurity / Road Safety Department | ↗ |
| State Police of Latvia | ↗ |
| Federal Public Service Mobility and Transport | ↗ |
| Federation Internationale de l'Automobile (FIA) Region I | ↗ |
| DIRECCION GENERAL DE TRAFICO - DGT | ↗ |
| Federal Public Service Mobility & Transport | ↗ |
| National Police Headquarters og Hungary | ↗ |
| ADAC e.V. | ↗ |
| General Directorate National Police | ↗ |
| General Directorate of European Affairs, Schengen and International Relations - Ministry of Home Affairs | ↗ |
| European Transport Safety Council | ↗ |
| Ministry of Infrastructure | ↗ |
| The Ministry of Transport and Communications of Finland | ↗ |
| Road Traffic Safety Directorate of the Republic of Latvia – CSDD | ↗ |
| cfe | ↗ |
| Cyprus Police | ↗ |
| An Garda Síochána | ↗ |
| ITD - Association for the Danish road transport of goods | ↗ |
| Federal Ministry of Transport and Digital Infrastructure | ↗ |
| Ministry of transport | ↗ |
| ÖAMTC Österreichischer Automobil- Motorrad- und TouringClub | ↗ |
| RDW (Vehicle Registration Authority) | ↗ |
| DRIVING LICENSE AND VEHICLE REGISTRATION DIRECTORATE | ↗ |
| State police of Latvia | ↗ |
| Bundesministerium für Klimaschutz, Umwelt, Energie, Mobilität, Innovation und Technologie Abteilung IV/ST1 – Kraftfahrwesen | ↗ |
| Department of Transport | ↗ |
| Xdsa | ↗ |
| Hungarian National Police Headquarters | ↗ |
| mINISTRY OF THE INTERIOR | ↗ |
| Ministère de la Mobilité et des Travaux publics | ↗ |
| Ministry of transport | ↗ |
| Ministère de la Mobilité et des Travaux publics | ↗ |
| Ministry of Interior - Vehicle and Driving License Administration and Registration Department | ↗ |

| What is the name of your organisation/institution? | Report |
|--|------------------------|
| Road Safety Department | Report |
| Direction générale des infrastructures, des transports et de la mer | Report |
| Policia de Segurança Pública | Report |
| Traffic Police Department of Police Force Presidium | Report |
| dfdf | Report |
| Automóvel Club de Portugal - ACP | Report |
| Ministry of Transport and public works | Report |
| testing | Report |
| The Ministry of Transport and Communications of Finland | Report |
| Autoridade Nacional de Segurança Rodoviária - National Road Safety Authority | Report |
| National Police | Report |
| Road Safety Department | Report |
| MIMS | Report |





Part 1 of 2

N 46

N 46

Problem 1 – Road safety related traffic offence co

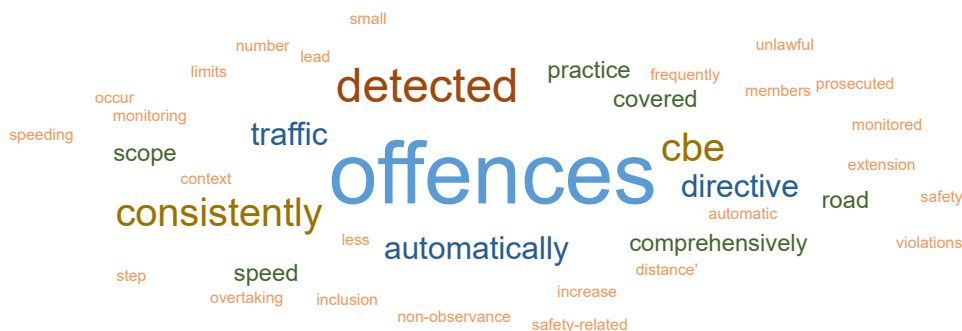
Based on your expert knowledge and evidence available to you, would the following measures have an impact on the number of detected vehicles under the CBE Directive?

| | Average | Count | % of responses |
|--|---------|-------|---|
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | 71% | 49 |  |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 69% | 49 |  |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | 64% | 49 |  |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | 63% | 49 |  |



N 49

M1 - Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



N 8

M1 - Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory) | Report |
|---|------------------------|
| We would like to see a very large scope, with an extension of eg offences that can be detected automatically, low emission zones, weight in motion, parking offences,... | Report |
| Our members report that the more frequent road safety-related offences covered by the CBE Directive are speeding offences. Since speed limits are consistently and comprehensively monitored automatically, these offences are (normally) consistently prosecuted. Other traffic offences covered by the CBE Directive occur much less frequently in practice. Therefore, an extension of the scope to other offences should only be foreseen if they can be detected in the context of automatic traffic monitoring. Our members estimate that the inclusion of offences such as ' non-observance of safety distance' or ' unlawful overtaking ' could lead to a small increase in the number of offences detected if they are consistently and comprehensively detected automatically. | Report |
| A step by step implementation can be considered; a mutual recognition of road offences is a necessary precondition. | Report |
| In the practice of advising ADAC lawyers, the most common road safety-related offences covered by the CBE Directive are speeding offences. As a rule, these are consistently prosecuted. The reason for this is probably that the speed limits are consistently and comprehensively monitored automatically. The other traffic offences covered by the CBE Directive, on the other hand, occur much less frequently in practice. Extending the scope to include other offences only makes sense if they can be detected in the context of automatic traffic monitoring. In our estimation, the inclusion of offences such as ' non-observance of safety distance' or ' unlawful overtaking ' could lead to a small increase in the number of offences detected if they are consistently and comprehensively detected automatically. | Report |
| First of all, CBE Directive's cross border-measures are not actively in use in Finland. | Report |
| Especially distance violations could be detected the same way as speed violations, if it was included in the scopes of the CBE Directive. | Report |
| Detection will be largely not automated | Report |
| Supplement traffic accidents. | Report |

N 8

M2 - [Recommend methods of use and technical specifications for detection equipment](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

lead

N 5

M2 - [Recommend methods of use and technical specifications for detection equipment](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory) | Report |
|---|-------------------|
| harmonisation and unique homologation system would help. | ↗ |
| We would hope that this would lead to more efficiency and effectiveness. | ↗ |
| Might lead in a situation, where MSs are obliged or pressured to change equipment already in use. This measure does not necessarily have enhancing impacts but it has potentially negative effects, such as increased expenses. | ↗ |
| Desirable would be a not binding standardization for legally compliant application. | ↗ |
| Access to in-car data would open possibilities for automated detection of offences | ↗ |

N 5

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



N 4

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory) | Report |
|--|------------------------|
| Financial support from the EU can promote the nationwide establishment of traffic control and help to ensure that many more road safety-related offences are detected and enforced across borders. | Report |
| Comprehensive automatic traffic control must be financed and depends on the national financial resources. These vary greatly from country to country. Financial support from the EU can promote the nationwide establishment of traffic control and help to ensure that many more road safety-related offences are detected and enforced across borders. | Report |
| In current financial situation, additional funding in using and possibly developing detection/enforcement equipment would most likely enhance authorities' work in this regard. | Report |
| Funding of camera systems could make a lot of difference in some MS | Report |

N 4

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory)



N 6

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#)

What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory) | Report |
|---|-------------------|
| That is a national issue. | ↗ |
| This measure may have a positive effect provided that the revenue from all national and cross-border traffic violations is used consistently for road safety measures. However, revenues from cross-border traffic offences alone are likely to vary across Member States and are unlikely to be sufficient to increase enforcement capacity. In addition, reliable figures from all EU member states would have to be evaluated as to how much revenue is currently generated from cross-border road traffic violations. | ↗ |
| This is a rather national issue. | ↗ |
| This measure only makes sense if the revenue from all national and cross-border traffic violations is actually used consistently for road safety measures. Revenues from cross-border traffic offences alone are likely to vary across EU Member States and are unlikely to be sufficient to increase enforcement capacity: Transit countries and popular tourist destinations benefit more than countries that are more on the periphery of the EU. In addition, reliable figures from all EU member states would have to be evaluated as to how much revenue is currently generated from cross-border road traffic violations. An example from Germany: In Germany, new fines were transposed into applicable law on 01.02.2009, whereby the legislator has made it clear that this measure can only be successful as an accompaniment to improved traffic monitoring and that any additional revenue from the - in some cases doubled - standard rates should be invested in road safety. While the public treasury has in the meantime recorded additional revenues, neither a shift or concentration of traffic control on accident and danger spots can be identified, nor a use of these additional revenues for road safety measures. | ↗ |
| legal obstacles | ↗ |
| does not comply with f framework decision 2005/214/JHA | ↗ |

N 6

Do you have any suggestions for other specific EU level policy solutions to increase the number of detected offences? If yes, please describe them, including how it would affect the number of detected offences committed with foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account.



N 16

Do you have any suggestions for other specific EU level policy solutions to increase the number of detected offences? If yes, please describe them, including how it would affect the number of detected offences committed with foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account.

| Do you have any suggestions for other specific EU level policy solutions to increase the number of detected offences? If yes, please describe them, including how it would affect the number of detected offences committed with foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account. | Report |
|--|-------------------|
| None. | ↗ |
| We refer to the Spanish Report. | ↗ |
| EU funding could be invested in new technologies, such as semi-automated detection of mobile phone use/seatbelt. Technical specifications and homologation of cameras are needed on EU-level to allow harmonisation and a quicker roll-out in EU-countries. | ↗ |
| At this moment, Romanian police is not using automatic checking equipment and the mechanism provided by the EU Directive 413/2015, so a solution to increase number of detected offences committed is to have an automatic detection equipment. | ↗ |
| / | ↗ |
| No. | ↗ |
| The judicial authorities have to co - operate in order to find out practical solutions, when the fines are not paid by the offenders, as everyone has the right to defend themselves before a court of justice. The offences which have to be included in the directive are those which do not need a further investigation but can be proved easily. | ↗ |
| Regarding the extension of the CBE directive to other road traffic offences in the view of Germany it is seen as a minimum useful and appropriate measure to extend the scope of offences to include especially dangerous overtaking and the failure to keep a sufficient distance from the vehicle in front. Parking offences which create risks for other road users should also be included and taken into account in a future revision of the Directive. They are deemed to be dangerous parking (e.g. obstructing emergency access routes for fire and emergency services or designated parking spaces for disabled persons). A definition of what specifically constitutes dangerous parking should be included. Moreover the scope should be extended to all road traffic offences. When it comes to the definition of road traffic offences it should be defined according to the understanding of road traffic offences as it is mentioned in the German declaration in the council decision 2015/214/JI. | ↗ |
| Above all, we want to Member States to send complete information about the driver. | ↗ |
| out of the scope of Ministry of Justice | ↗ |
| Electronic vehicle identification and electronic identification of the driver (OBU with eDL) for remote recognition could help in may cases | ↗ |
| NO | ↗ |
| Non... | ↗ |
| Above all, we want the member states to send complete information about the driver. | ↗ |
| N/A | ↗ |
| out of responsibility of MoJ | ↗ |

N 16

Problem 2 – Inadequate cross border investigation

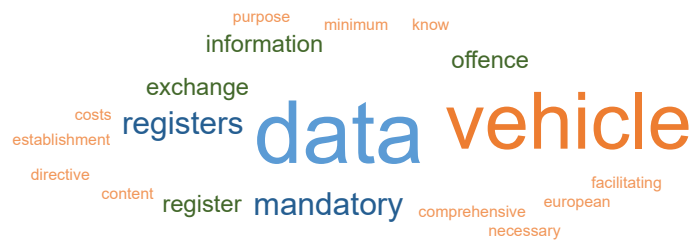
Based on your expert knowledge and evidence available to you, would the following measures, aimed at increasing information and quality of Vehicle Register Databases (VRD), resolve issues with the registration of the vehicle involved in the offence?

| | Average | Count | % of responses |
|---|---------|-------|----------------|
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | 71% | 39 | |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | 71% | 39 | |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | 65% | 39 | |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | 64% | 39 | |



N 39

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



N 9

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|--|--------|
| EReg started a topic group that focuses on a minimum set of mandatory data in national vehicle registers which should be added to Directive 1999/37 and will be presented to the European Commission. It is necessary eg for exchange low emission zones. | |
| The vehicle registers should contain sufficient information necessary for the cross-border enforcement of a traffic offence (in particular for the identification of the vehicle owner). | |
| I'm not sure if this would lead to a 'small or 'large' increase.. | |
| mandatory data on owner's adress | |
| The effects are difficult to estimate, as we do not know, how comprehensive is the content of the said database in different MSs. It should be noted that mandatory changes in authorities' databases will cause significant costs. Should such development take place, compensating the costs should be considered. | |
| In practice the minimum data content is not the problem in European data exchange. However, data quality (e.g. non-complete addresses are sometimes an issue. As far as we know, the vehicle registration data (VDR) in the Central Vehicle Register of the German Federal Motor Transport Authority are informative and comprehensive. We agree with the Commission's statement that no steps are taken to harmonize vehicle registers. We actually do not see any need to do so. | |
| Provided that the data may be exchanged to support the establishment of an offence, not only after establishment of an offence | |
| huge data, does not help | |
| The mandatory minimum data of vehicle registers has already been defined by Council Directive 1999/37/EC. When considering adding additional data, the main purpose of the vehicle register should be kept in mind, which is facilitating the free movement of goods by facilitating the exchange of information between MS's. While the information can of course be used for all sorts of other purposes set out by legislation, the vehicle register should not be turned into an investigation tool and lose its original purpose. | |

N 9

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



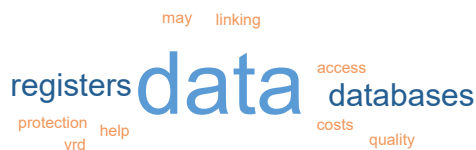
N 9

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|--|-------------------|
| necessary for rental cars abroad and leasing companies, but is internal business. | ↗ |
| The keeping of the previous owner's data should in principle be made dependent on the periods during which a traffic offence can still be enforced against the previous owner. However, limitations for prosecution are regulated very differently in the EU. Therefore, our members recommend a uniform EU deadline (see also question 8). In the context of cross-border enforcement of traffic offences, it should first be evaluated how high the proportion of proceedings in which the person responsible for a traffic violation could not be identified due to an unknown previous owner. It is essential that a high level of data protection is guaranteed. | ↗ |
| It makes sense to keep the data of the previous owner of a vehicle for a while, at least as long as possible fine proceedings can still be initiated against him. The keeping of the previous owner's data should in principle be made dependent on the periods during which a traffic offence can still be enforced against the previous owner. However, the statute of limitations for prosecution is regulated very differently in the EU member states, so that a uniform EU deadline may make sense here. In the context of cross-border enforcement of traffic offences, however, it should first be evaluated how high the proportion of proceedings in which the person responsible for a traffic violation could not be identified because the previous owner is unknown actually is, guaranteeing a high level of data protection. | ↗ |
| I'm not sure if this would lead to a 'small or 'large' increase.. | ↗ |
| The effects are difficult to estimate, as we do not know how comprehensive is the content of the said database in different MSs. In Finland this information is restored long enough and is at disposal if needed. | ↗ |
| To our knowledge all national VRD registers are able to provide information on (previous) holders at a certain time stamp. | ↗ |
| O/H History is already kept for years in all MS | ↗ |
| data protection problem huge data collection | ↗ |
| It is done already. The owner/holder information is provided based on the reference date and time. | ↗ |

N 9

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



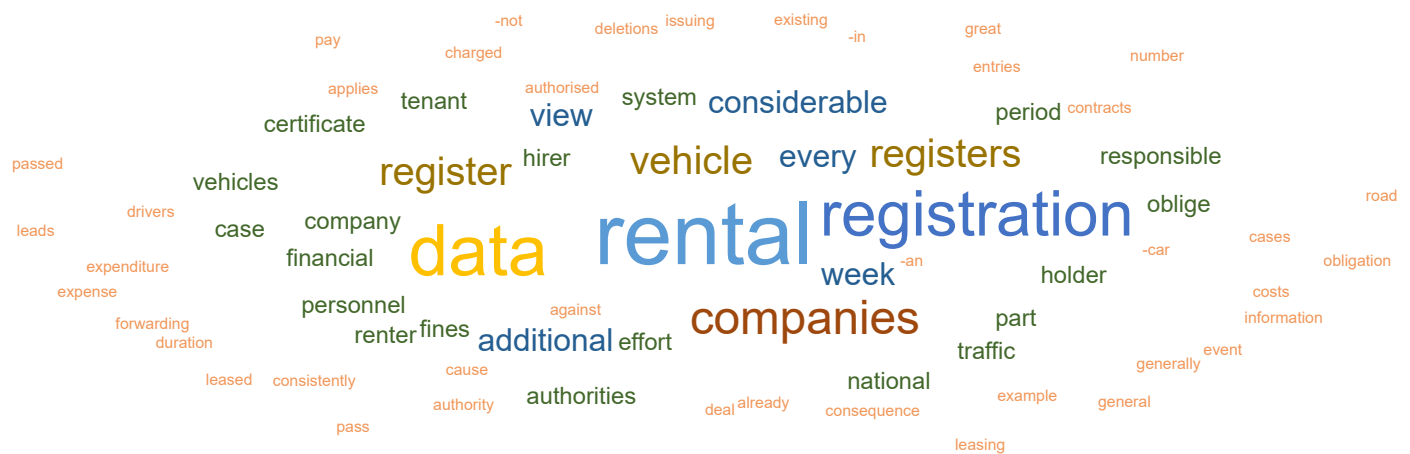
N 8

M7 - Ensure access to other data registers (other than VRD) through one single system What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|---|-------------------|
| we don't see the advantage or the point of linking of interconnecting databases. In addition, we have to take into account the legislation on GDPR. | ✉ |
| Ditto | ✉ |
| It should be noted that mandatory changes in authorities' databases will cause significant costs. Should MSs be obliged to establish such single user interface, compensating the costs should be considered. | ✉ |
| Data registers should be defined | ✉ |
| The information and quality of VRD is not going to increase if other data registers can be accessed. In consequence, we believe that no added value is to be gained from accessing other databases - which moreover appears questionable from the point of view of data protection. | ✉ |
| Acces to DL data may help if the driver is stopped or if an eDL can be checked; also access to alternative address info may help | ✉ |
| data protection problem huge data linking | ✉ |
| How would access to other registers influence the quality of the VRD? | ✉ |









N 8

M8 - Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



N 8

M8 - Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|---|---|
| <p>we do have an operational system, called FMS, in which much information on leasing cars is gathered. Unfortunately, not all the companies are connected in this system. This problem is not limited to Crossborder issues; therefore, MS should seek solutions at national level and the EU should not oblige them to do so.</p> |  |
| <p>The recording of renter data in vehicle registers is not practicable and involves a considerable additional expense for both the registers and the rental car companies. This effort is not in reasonable proportion to the purpose of such a regulation: -Not only the data of the hirer, but in individual cases also the data of all authorised drivers as well as the duration of the rental would have to be reported to the register. This would require a great deal of additional financial, work and personnel effort. -Car rentals are for a short-term period. If, for example, a rental vehicle is re-rented every week, the rental car company would have to make a report to the registration register every week. The registration register would have to make a considerable number of additional entries and deletions every week. -The existing system has proven its worth: Already now, traffic violations against renters are consistently prosecuted. In any case, the rental car companies oblige the tenant in the rental contracts to pay the fines. This applies to road safety-related offences; in the event of a traffic violation, the renter's data is passed on to the authorities responsible for issuing fines. -In our view, the general forwarding of tenant data to the respective national registration registers is problematic from a data protection point of view. -An obligation on the part of the car rental companies to pass on the renter data generally and without cause to the registration authority leads to considerable financial personnel expenditure on the part of the car rental companies. The costs for this will be charged to the hirer. Consequence: Significantly rising rental car prices.</p> |  |
| <p>The recording of renter data in vehicle registers is not practicable and also involves a considerable additional expense for both the registers and the rental car companies. This effort is not in reasonable proportion to the purpose of such a regulation: -Not only the data of the hirer, but in individual cases also the data of all authorised drivers as well as the duration of the rental would have to be reported to the register. This would require a great deal of additional financial, work and personnel effort. -Car rentals are for a short-term period. If, for example, a rental vehicle is re-rented every week, the rental car company would have to make a report to the registration register every week. The registration register would have to make a considerable number of additional entries and deletions every week. -The existing system has proven its worth: Already now, traffic violations against renters are consistently prosecuted. In any case, the rental car companies oblige the tenant in the rental contracts to pay the fines. This applies in particular to road safety-related offences. In the event of a traffic violation, the renter's data is passed on to the authorities responsible for issuing fines. -In our view, the general forwarding of tenant data to the respective national registration registers is problematic from a data protection point of view. -An obligation on the part of the car rental companies to pass on the renter data generally and without cause to the registration authority leads to considerable financial personnel expenditure on the part of the car rental companies. The costs for this will be charged to the hirer. Consequence: Significantly rising rental car prices.</p> |  |
| <p>I'm not sure about the size of this problem as a barrier in enforcement.</p> |  |
| <p>It is hard to tell if it would have a small or large impact, as we do not know how comprehensive is the content of the said database in different MSs.</p> |  |
| <p>From the perspective of the German VRD it makes no sense to obtain data of persons who are only in charge of the vehicle for a short period of time.</p> |  |
| <p>should be only one responsible holder who has to name the driver</p> |  |
| <p>It is happening right now for leased vehicles. We do provide date and time specific owner/holder information in CBE as long as the holder is registered. In the case of leased vehicles there is always the leasing company as the owner and the lessee as the holder of the registration certificate. However it is a practical impossibility to register in the vehicle registers users of rental or company vehicles, which can change daily. The registration is an official act carried out by registration authorities and is directly linked to the issue of the registration certificate. From the vehicle registration procedure point of view the user of the vehicle, if isn't the holder of the registration certificate, is irrelevant.</p> |  |

Do you have any suggestions for other specific EU level policy solutions to increase the information and quality of the Vehicle Register Database? If yes, please describe them, including the way how it would impact the number of detected offending foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account.

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register
 member efficient states
 liability central introduced
 process faster

| Do you have any suggestions for other specific EU level policy solutions to increase the information and quality of the Vehicle Register Database? If yes, please describe them, including the way how it would impact the number of detected offending foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account. | Report |
|---|-------------------|
| - | ↗ |
| / | ↗ |
| No. | ↗ |
| The V.R.Databases must have a uniformity as regards their contents and must be updated in time. May be, a legal framework is needed based on a directive which will provide for the basic information of the VRD. | ↗ |
| If a central register was introduced for all Member States the process would be faster and more efficient. | ↗ |
| out of the scope of Ministry of Justice | ↗ |
| Regulation of the transfer of holdership (liability) would be valuable; there should be no gaps in the liability chain. | ↗ |
| NO SUGGESTIONS | ↗ |
| No | ↗ |
| If a central register were introduced for all Member States, the process would be faster and more efficient. | ↗ |
| N/A | ↗ |
| c | ↗ |

In your expert knowledge and with the information available to you, would the following measures improve the investigation process to identify the presumed foreign offender?

| | Average | Count | % of responses |
|--|---------|-------|----------------|
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 76% | 39 | |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | 74% | 39 | |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | 72% | 39 | |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 71% | 39 | |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | 66% | 39 | |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | 66% | 39 | |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | 64% | 39 | |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | 62% | 39 | |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED" survey.questions.M14 position="right"}} | 61% | 39 | |

■ Large deterioration
 ■ Small deterioration
 ■ No effect
 ■ Small improvement
 ■ Large improvement
 ■ I do not know

N 39

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

information eucaris
 already **exchange** concerning
 system

N 7

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|---|-------------------|
| All of us do use EUCARIS? | ↗ |
| I'm not sure if this would be 'small' or large. | ↗ |
| Forcing authorities to use only one channel to information exchange is not a good idea. There are several ways, from bilateral to national central points for international information exchange that should be kept available for traffic offence investigations too. Regulating this more strictly most likely would decrease the volume of information exchange. | ↗ |
| only 1 system is already used | ↗ |
| The current exchange system via EUCARIS CBE concerning vehicle holder data works satisfactorily. | ↗ |
| All exchange is already via EUCARIS | ↗ |
| huge administrative burden and costs for MS, questions concerning Public procurement law | ↗ |

N 7

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



N 6

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|--|--------|
| We sometimes receive questions about the authenticity of information letters, so this would certainly help (unless fraudsters copy these templates). | |
| As highlighted in previous answers, the enforcement of road traffic offences is regulated differently in each Member State: Some have a central authority for this (e.g., the Netherlands), other prosecute traffic-related offenses by means of the local police authority (e.g., Italy). Our members believe that a mere list of addresses would not have substantial effects. Instead, we favor, for instance, to provide contact details (telephone, internet) on each information letter, where one can find out about the authenticity of the letter in case of doubt. It would also be conceivable to provide each information letter with a QR code via which the authenticity can be verified. | |
| The enforcement of road traffic offences is regulated differently in each EU Member State: Some states have a central authority for this (e.g. the Netherlands), in other states traffic safety-related offences are prosecuted by each local police authority (e.g. in Italy). In our view, a mere list of addresses makes little sense; rather, there would also have to be an option of verifying the official bank details for paying the fines. Fraudsters namely indicate as sender one of the entities on such a list, but their own bank details. In our opinion, however, the creation and updating of such a list would involve considerable time and effort. It would make more sense, for example, to provide contact details (telephone, internet) on each information letter, where one can find out about the authenticity of the letter in case of doubt. It would also be conceivable to provide each information letter with a QR code via which the authenticity can be verified. | |
| A list of authorized entities would make it easier to detect correct correspondence from fraudulent ones. | |
| As in Germany it is the responsibility of the federal states, there is no completed list of all entities entitled to issue information letter. | |
| Better centralize the information letters per MS | |

N 6

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



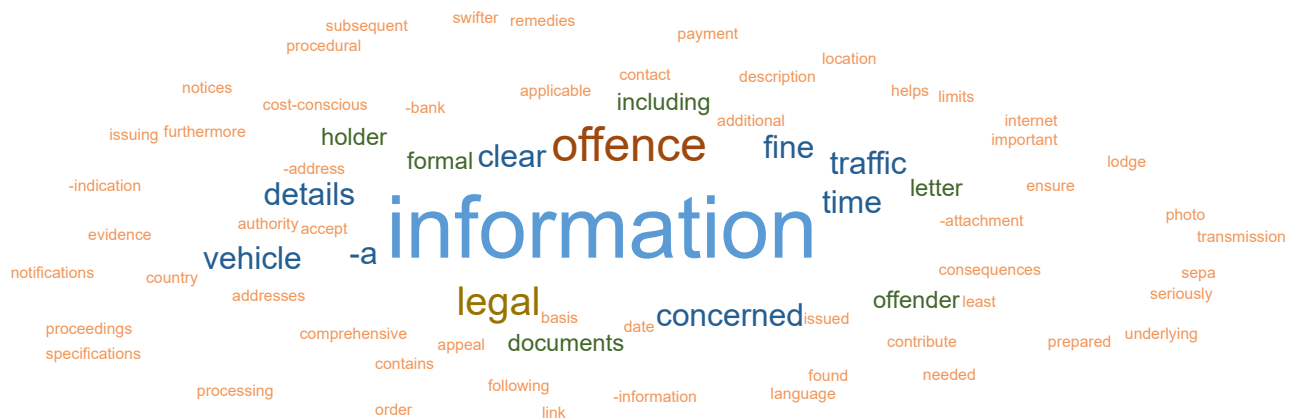
N 5

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|---|-------------------|
| Criminal proceedings are an internal matter. However, a recommendation (no obligation) on a maximum period (e.g. within one year) could be considered. | ↗ |
| To ensure that presumed offenders are informed in a timely manner, a uniform deadline for the transmission of the formal notice of a maximum of 6 months should be established. | ↗ |
| In order to ensure that presumed offenders are informed in a timely manner, a uniform deadline for the transmission of the formal notice should be established. In practice there are certain member states (e.g. Italy) who wait as long as one year before sending out the formal notice. When advising our members on legal matters, we have made the experience that prompt confrontation of the persons concerned after the traffic offence leads to a higher sensitivity with regard to the offence and the consequences. The more time has passed since the traffic offence occurred, the less willing motorists are to deal with the offence and pay the fine. Moreover, if (as in the case of Italy) penalty notices only arrive after more than a year and after the statute of limitations has come into effect, then many affected people no longer take this seriously. The time limit must therefore not be too long. From our point of view, a uniform deadline of a maximum of 6 months would be appropriate. | ↗ |
| Different limitation periods will make this practically impossible to implement. | ↗ |
| History id already kept; reregistration (?) is not relevant. Probably you mean transfer of holdership. | ↗ |

N 5

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



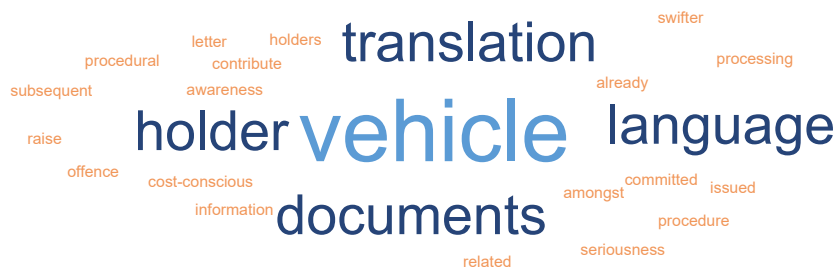
N 6

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|--|--------|
| Comprehensive information helps to ensure that the traffic offender concerned seriously addresses the offence and is prepared to accept the consequences. To allow for a swifter and more cost-conscious processing, we recommend that information notices and other subsequent procedural documents are issued in the language of the vehicle holder. Furthermore, clear specifications for the transmission of formal notifications are also needed. It is important that the information letter contains at least the following information: -Address and contact details of the issuing authority -A clear description of the underlying traffic offence, including date, time, and location - Attachment of a photo as evidence -Indication of the legal basis -Information on legal remedies and time limits (how and where to lodge an appeal, if applicable) -Bank details for payment of the fine (SEPA) -A link to the Internet where additional information on the fine proceedings in the country concerned can be found. | ✍ |
| Comprehensive and comprehensible information helps to ensure that the traffic offender concerned seriously addresses the offence and is prepared to accept the consequences. It is important that the information letter contains at least the following information: -Address and contact details of the issuing authority -A clear description of the underlying traffic offence, including date, time and location -Attachment of a photo as evidence -Indication of the legal basis -Information on legal remedies and time limits (how and where to lodge an appeal, if applicable) -Bank details for payment of the fine (SEPA) -A link to the Internet where additional information on the fine proceedings in the country concerned can be found. In order to raise awareness amongst vehicle holders of the seriousness of the committed offence, ADAC advocates that information notices and other subsequent procedural documents, be issued in the language of the vehicle holder. This would also contribute to a swifter and more cost-conscious processing by the vehicle holder, who would not have to get a translation of all the procedure related documents. Furthermore, in order to contribute to legal certainty clear specifications for the transmission of formal notifications are also needed – the receipt of the formal notice should occur via registered letter. | ✍ |
| Recipient (offender) should be entitled to sufficient information regarding the offence, to be able to challenge it if one chooses to do so, including describing procedures to do so. | ✍ |
| Establish Mandatory minimum requirements could speed up the process. | ✍ |
| No lack of info | ✍ |
| is already established | ✍ |

N 6

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



N 5

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|--|------------------------|
| Belgium has already invested a great deal of time and resources in translation so that offenders can use their own language. Financial or translation assistance from the EC was/is still welcome. | Report |
| To raise awareness amongst vehicle holders of the seriousness of the committed offence, we advocate that not only the information letter but also all other subsequent procedural documents be issued in the language of the vehicle holder. This would also contribute to a swifter and more cost-conscious processing by the vehicle holder, who would not have to get a translation of all the procedure related documents. | Report |
| In order to raise awareness amongst vehicle holders of the seriousness of the committed offence, ADAC advocates that not only the information letter but also all other subsequent procedural documents be issued in the language of the vehicle holder. This would also contribute to a swifter and more cost-conscious processing by the vehicle holder, who would not have to get a translation of all the procedure related documents. | Report |
| It is self-evident that it makes things more fluent if authorities could always be sure which language to use. | Report |
| Already settled in current CBE | Report |

N 5

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory)

already
done

N 3

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|---|------------------------|
| This should be done nowadays already and is obvious. | Report |
| There is no known need for improvement here. EUCARIS and MS already comply with GDPR and LED. | Report |
| Already done | Report |

N 3

M15 - Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



N 7

M15 - Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|---|-------------------|
| This should be done nowadays already and is obvious. | 📄 |
| The possibility for citizens to easily inform themselves via internet portals on the systems of fines and the prosecution of traffic violations in the EU is important. However, the information must be available in the respective national language of the Member State and must be formulated in an understandable way. In addition, such an information portal must also be advertised so that every EU citizen knows where to go for information if needed. It would also be helpful to refer to the relevant information offers in the information letter. | 📄 |
| The possibility for citizens to inform themselves on the internet on central and easily accessible internet portals about the systems of fines and the prosecution of traffic violations in the EU is important for acceptance and understanding. However, the information must be available in the respective national language of the Member State and must be formulated in an understandable way. In addition, such an information portal must also be advertised so that every EU citizen knows where to go for information if needed. It would also be helpful to refer to the relevant information offers in the information letter. | 📄 |
| Most likely it would make processes more effective if citizens would have an easy access on information in a language of their choice. Once they can easily check what the received information is about, what are their obligations and rights, they most likely act in an appropriate manner. | 📄 |
| There is no known need for improvement here. It is unclear what a non-discriminatory access to information would presuppose. | 📄 |
| Already done | 📄 |
| data protection problems | 📄 |

N 7

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



N 6

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|---|-------------------|
| Our investigation method and flux is the same for domestic and foreigners. | ✎ |
| It would be welcome if countries where the driver is responsible for a traffic offence were also given the greatest possible assistance in identifying the responsible driver when prosecuting traffic offences in countries where the holder is responsible. | ✎ |
| It would be welcome if countries where the driver is responsible for a traffic offence were also given the greatest possible assistance in identifying the responsible driver when prosecuting traffic offences in countries where the holder is responsible. | ✎ |
| In some Member States it is required to investigate the driver as the responsible offender (not the car holder). It is the holder of the vehicle who is asked for cooperation. He is obliged to identify the driver Germany takes responsibility within the context of the Directive 2015/413/EU to mean exclusively "driver responsibility". From the German point of view, owner/holder liability is not practicable. Against this background, it would be desirable if the cooperation between the Member States were to be designed in such a way that the authorities of the state in which a vehicle is registered with which a traffic offense has been committed in another Member State, on the basis of the evidence (like a front photo) to determine the driver (and not just the owner) of the vehicle. It would be much helpful to have the duty between the Member States for cross-border investigation assistance. To make this investigation assistance more efficient and to give an incentive to the investigating Member State it could also be implemented some kind of fee for the car holder in case if it is not possible to determine the driver after a road traffic offence with a foreign vehicle is detected. | ✎ |
| Already available in EUCARIS Salzburg services | ✎ |
| different procedural law in MS | ✎ |

N 6

Do you have any suggestions for other specific EU level policy solutions to the investigation process to identify the presumed foreign offender? If yes, please describe them, including the way how it would impact the number of detected offending foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account.



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|---|-------------------|
| None. | ✎ |
| The achievement of the objectives of the Directive must be complemented by the necessary staffing of the police and municipalities. | ✎ |
| An improvement in road safety and the enforcement of traffic offences cannot be expected without sufficient staffing of the police and municipalities. Those who want to combat traffic accidents and the traffic violations that cause them must therefore make the necessary personnel capacities available for nationwide traffic control. | ✎ |
| - | ✎ |
| / | ✎ |
| No. | ✎ |
| The staff dealing with the investigation process has to be strictly guided in writing about the steps that have to be followed in each case, in order for the information process to proceed normally and without delay. | ✎ |
| Especially the establishment of a legal regime at EU level for road traffic offences committed with a foreign vehicle would improve the CBE directive greatly. As in some states it is required to investigate the driver as the responsible offender (not the car holder) it would be much helpful to have the duty between the states for cross-border investigation assistance. Without cross-border investigation it is just not possible to charge the driver with a fine. To make this investigation assistance more efficient and to give an incentive to the investigating state it could also be implemented some kind of fee for the car holder in case if it is not possible to determine the driver after a roads traffic offence with a foreign vehicle is detected. | ✎ |
| We have no other suggestions other than providing complete driver information or introducing a central register. | ✎ |
| out of the scope of Ministry of Justice | ✎ |
| M17 is not clear; it highly depends if the outcome would be Holder liability or Driver liability; Holder liability would reduce the complexity, so improve the system; Driver liability would increase the complexity and would have a negative impact. | ✎ |
| NO | ✎ |
| No | ✎ |
| We have no other suggestions other than providing complete driver information or introducing a central register. | ✎ |
| N/A | ✎ |
| c | ✎ |

N 16

Problem 3 – Inadequate cross-border enforcement of

In your expert knowledge and with the information available to you, would the following measure improve mutual recognition procedures of financial penalties for road traffic offences?

| | Average | Count | % of responses |
|---|---------|-------|----------------|
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | 79% | 38 | |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | 75% | 38 | |



N 38

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)



N 4

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|--|-------------------|
| EU Framework Decision 2015/214/JHA provides a sufficient legal basis for the enforcement of financial penalties. According to the ECJ (C-60/12, Baláz); the scope of application of the Framework Decision can also be extended to administrative decisions in individual cases. Thus, there is no need for a specific regulation. | ↗ |
| In our view, the EU Framework Decision 2015/214/JHA provides a sufficient legal basis for the enforcement of financial penalties. In its decision of 14.11.2013 (C-60/12, Baláz), the ECJ stated that administrative decisions may also fall under the concept of a decision subject to review by a criminal court if they have the essential elements of criminal proceedings. In this respect, the scope of application of the Framework Decision can also be extended to administrative decisions in individual cases. Therefore, there is no need for a specific regulation. | ↗ |
| According to our colleagues from Ministry of Justice this type of communication takes place between the court of first instance and the issuing authority, without the intervention of the MoJ (therefore, we do not have information in each case). We notice an improvement, in the sense that RO courts no longer request the MoJ to make this communication. Regarding the communication of final decisions, we cannot pronounce, as the communication is made only by the court (we do not have any data in this regard). | ↗ |
| has to comply with framework decision 2015/214/JHA and improvement therefore should be ruled there | ↗ |

N 4

M19 - [Ensure authenticity and fair service of final decisions](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

N 1

M19 - Ensure authenticity and fair service of final decisions What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|---|-------------------|
| has to comply with f framework decision 2005/214/JHA and improvement therefore should be ruled there | ↗ |

N 1

Do you have any suggestions for other specific EU level policy solutions to improve the cross-border enforcement of financial penalties for road traffic offences? If yes, please describe them, including the way how it would impact the number of detected offending foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account



N 16

Do you have any suggestions for other specific EU level policy solutions to improve the cross-border enforcement of financial penalties for road traffic offences? If yes, please describe them, including the way how it would impact the number of detected offending foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account

| Do you have any suggestions for other specific EU level policy solutions to improve the cross-border enforcement of financial penalties for road traffic offences? If yes, please describe them, including the way how it would impact the number of detected offending foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account | Report |
|--|-------------------|
| None. | ↗ |
| For the execution of foreign certificates we want to digitise and automate the procedure (paperless as much as possible). We started with the incoming certificates from the Netherlands and want to automate that procedure at the end of this year, and afterwards roll it out for the other countries. The format of the data must be uniform (same 'language') throughout Europe: there is a need for one single European platform to exchange certificates. | ↗ |
| According to article 13 of the framework decision, the revenue from enforcement remains in the executing state. The issuing state dedicates resources carrying out the fine proceedings, formulating the request for enforcement assistance (incl. translations), however has no financial advantage. A regulation which foresees the revenue to be returned to the issuing state could lead to a higher initiation of requests for enforcement of fines. | ↗ |
| In our view, the main obstacle to the functioning of EU-wide enforcement of financial penalties is the provision in Article 13 of the Framework Decision, according to which the revenue from enforcement remains in the executing state. The issuing state has a great deal of effort in carrying out the fine proceedings, in formulating the request for enforcement assistance (incl. translations) and has no financial advantage as a result. A regulation according to which the revenue is to be returned to the issuing state could lead to a higher motivation with regard to the initiation of requests for enforcement of fines. | ↗ |
| A set of optional forms at EU level to facilitate the communication in the procedure for enforcing financial penalties (available on the website of the European Judicial Network) has been developed. MoJ recommended to the courts their use. We consider that this is a very good measure and actions to raise awareness on the use of these forms can be undertaken (this is a practical suggestion, we cannot comment on the policy). In order to improve the application of cross-border sanctions (EPC), it is necessary to introduce the communication of electronic sanctioning documents to offenders. Each EU state should be obliged to adopt DDL (Digital Driving License) and allow communication through DDL of the sanctions applied through automatic systems for violating the contraventions. | ↗ |
| / | ↗ |
| No. | ↗ |

| Do you have any suggestions for other specific EU level policy solutions to improve the cross-border enforcement of financial penalties for road traffic offences? If yes, please describe them, including the way how it would impact the number of detected offending foreign vehicles. Please mention their strength and weaknesses and key considerations that have to be taken into account | Report |
|---|-------------------|
| NO | ↗ |
| From an EU perspective, consider the creation of a penalty point data system than would be available to all EU police forces rather than displaying monetary fines. The priority is on road safety and if a driver is accumulating penalty points in member states then local police need to know this. | ↗ |
| Same as in the first questions. | ↗ |
| - | ↗ |
| For example: establish the same way right of appeal, own language use for foreign people, larger period appeal time when the perpetrator foreign people. Review of the revision on COUNCIL FRAMEWORK DECISION 2005/214/JHA Article 7. (grounds for non-recognition and non-execution) g)point i) and ii) subpoint. Currently these points are not clear in the Certificate too, when we recognise that the adress of the perpetrator is not good. | ↗ |
| NO | ↗ |
| No | ↗ |
| Same as in the first questions. | ↗ |
| N/A | ↗ |

N 16

Problem 4 - Insufficient information for the evalu

In your opinion, would the following measure resolve the problem of insufficient information for the evaluation of effects of the CBE Directive, improving the ability to monitor the functioning of the CBE Directive?

| | Average | Count | % of responses |
|---|---------|-------|----------------|
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | 75% | 38 | |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | 67% | 38 | |

■ Large deterioration
 ■ Small deterioration
 ■ No effect
 ■ Small improvement
 ■ Large improvement
 ■ I do not know





N 38

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

traffic road support states
 article federal
data directive
germany

N 4

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|--|---|
| Gathering data is everywhere an issue, i guess, but without data, it is difficult to monitor. So Member States should be encouraged to provide data that is as complete as possible. |  |
| This would support monitoring and evaluating impact of the Directive. |  |
| As there is no central authority for road traffic offences in Germany (responsibility of the federal states) there could not be more data and information be provided even if there were more mandatory provisions. Germany does not support a revision of Directive 2015/413/EU which aims at extending the reporting obligations under Article 6. Due to its federal structure and the disproportionate effort this entails in the preparation of reports, Germany will continue to adhere closely to the wording of Article 6 of the Directive in the future. |  |
| statistics on road traffic is complex and different in MS |  |



N 4

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

information

N 2

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) What is important to consider for the measure to be successful? (e.g. helping or hindering factors)(non-mandatory)

| What is important to consider for the measure to be successful? (e.g. helping or hindering factors) (non-mandatory) | Report |
|---|---|
| Adding the information on enforcement of sanctions to the report could provide further Information. |  |
| see 20. and huge administrative burden and costs |  |

N 2

Do you have any suggestions for other specific EU level policy solutions to increase the information available for the evaluation of the effects of the CBE directive? If yes, please describe them, including the way how it would impact the ability to monitor the CBE Directive. Please mention their strength and weaknesses and key considerations that have to be taken into account.

specific

N 10

Do you have any suggestions for other specific EU level policy solutions to increase the information available for the evaluation of the effects of the CBE directive? If yes, please describe them, including the way how it would impact the ability to monitor the CBE Directive. Please mention their strength and weaknesses and key considerations that have to be taken into account.

| Do you have any suggestions for other specific EU level policy solutions to increase the information available for the evaluation of the effects of the CBE directive? If yes, please describe them, including the way how it would impact the ability to monitor the CBE Directive. Please mention their strength and weaknesses and key considerations that have to be taken into account. | Report |
|--|-------------------|
| None. | ✎ |
| It would be useful to receive a report, following the bi-annual reporting by the member states, that highlights points for improvement, possibly specific to each country/bilateral. | ✎ |
| - | ✎ |
| / | ✎ |
| No. | ✎ |
| A specific evaluation form should be created on which the representatives of the M.S. could give their information. | ✎ |
| out of the scope of Ministry of Justice | ✎ |
| - | ✎ |
| No | ✎ |
| N/A | ✎ |

N 10

Administrative costs

To your expert knowledge and with the information available to you, what is the effect of the following measures on the difference between time spent by responsible national/local authorities on domestic and foreign vehicles for the investigation of offences?

| | Average | Count | % of responses |
|--|---------|-------|----------------|
|--|---------|-------|----------------|

| | Average | Count | % of responses |
|---|---------|-------|----------------|
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | 60% | 32 | |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | 60% | 32 | |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 59% | 32 | |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | 58% | 32 | |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 56% | 32 | |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | 54% | 32 | |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | 53% | 32 | |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | 52% | 32 | |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | 52% | 32 | |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | 52% | 32 | |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | 52% | 32 | |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | 51% | 32 | |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED" survey.questions.M14 position="right"}} | 50% | 32 | |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | 49% | 32 | |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | 47% | 32 | |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | 47% | 32 | |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | 46% | 32 | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 43% | 32 | |




M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in minutes? (non-mandatory)



N 1

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in minutes? (non-mandatory)

| To your opinion, what would be the impact in minutes? (non-mandatory) | Report |
|---|---|
| <p>Here too, we advocate the widest possible scope for the directive, as this would enable the automated exchange of data, which would benefit road safety. It would greatly facilitate data exchange for e.g. low emission zones, parking violations, intermediate distances between trucks, etc. Currently, those offences committed by foreigners can hardly or not at all be exchanged. Once it is in scope and exchange will be possible, it is a question of getting these offences in the automatic flux. Once it is in the flux and translation issues are solved, there is no difference whether the offender/vehicle is Belgian or not; there is no specific analysis showing a difference.</p> |  |

N 1

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found


M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in minutes? (non-mandatory)

N 1

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in minutes? (non-mandatory)

| To your opinion, what would be the impact in minutes? (non-mandatory) | Report |
|---|---|
| Important for LEZ (to go to an automatic system). |  |

N 1

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found


M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in minutes? (non-mandatory)

N 1

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in minutes? (non-mandatory)

| To your opinion, what would be the impact in minutes? (non-mandatory) | Report |
|---|---|
| We need one European system (and not foreign certificates versus Salzburg). |  |

N 1

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found


M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in minutes? (non-mandatory)

N 1

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in minutes? (non-mandatory)

| To your opinion, what would be the impact in minutes? (non-mandatory) | Report |
|---|---|
| Internal issue. Possibly a recommendation (not an obligation) to send out information letter within a certain period of time. |  |

N 1

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found


M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in minutes? (non-mandatory)

N 1

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in minutes? (non-mandatory)


| To your opinion, what would be the impact in minutes? (non-mandatory) | Report |
|---|---|
| We do have Eucaris. |  |

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in minutes? (non-mandatory)

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in minutes? (non-mandatory)

| To your opinion, what would be the impact in minutes? (non-mandatory) | Report |
|---|---|
| Internal issue. |  |

N 1

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

To your expert knowledge and information available to you, what is the effect of the following measures on translation costs associated with translating the penalty notice in a language familiar to the offender?

| | Average | Count | % of responses |
|--|---------|-------|----------------|
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | 51% | 32 | |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | 50% | 32 | |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 50% | 32 | |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | 48% | 32 | |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED " survey.questions.M14 position="right"}} | 48% | 32 | |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | 47% | 32 | |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | 47% | 32 | |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 47% | 32 | |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | 47% | 32 | |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | 46% | 32 | |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | 45% | 32 | |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | 44% | 32 | |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | 42% | 32 | |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | 41% | 32 | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 33% | 32 | |




N 32

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| There will be an one-off cost to translate the specific offence into the EU languages, but in terms of cost-benefit and traffic safety this will certainly be positive. |  |

N 1

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found


M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)


| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| Depends on what kind/number of information has to be translated. |  |

N 1

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)


| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| We already foresee that in Belgium. |  |

N 1

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| We already foresee that. |  |

N 1

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found


M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| Eucaris? |  |

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found


M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| Automated and unique process can lower the costs. |  |

N 1

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

To your expert knowledge and with the information available to you, what is the effect of the following measures on delivery costs / shipping costs of the penalty notice in a language familiar to the offender?

| | Average | Count | % of responses |
|--|---------|-------|----------------|
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | 48% | 32 | |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | 47% | 32 | |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | 47% | 32 | |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | 47% | 32 | |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | 47% | 32 | |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | 45% | 32 | |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 45% | 32 | |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED" survey.questions.M14 position="right"}} | 45% | 32 | |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | 44% | 32 | |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 44% | 32 | |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | 42% | 32 | |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | 41% | 32 | |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | 41% | 32 | |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | 39% | 32 | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 24% | 32 | |

■ Large increase
 ■ Small increase
 ■ No impact
 ■ Small decrease
 ■ Large decrease
 ■ I do not know


N 32

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in EUR? (non-mandatory)

cost

N 1

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|--|---|
| There is definitely a cost (initially the translation cost + delivery cost), but the benefits will be much higher. |  |

N 1

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found


M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)


| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| We already foresee that. |  |

N 1

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| We already foresee that. |  |

N 1

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found


M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| Internal issue. |  |

N 1

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

According to your expert knowledge and the information available to you, what is the effect on the costs for management and development of EUCARIS of the following measures?

| | Average | Count | % of responses |
|---|---------|-------|----------------|
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | 43% | 32 | |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | 41% | 32 | |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | 41% | 32 | |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED" survey.questions.M14 position="right"}} | 39% | 32 | |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 39% | 32 | |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | 38% | 32 | |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | 38% | 32 | |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 37% | 32 | |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | 37% | 32 | |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | 36% | 32 | |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | 32% | 32 | |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | 31% | 32 | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 30% | 32 | |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | 29% | 32 | |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | 21% | 32 | |




N 32

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in EUR? (non-mandatory)

eucaris

N 1

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in EUR? (non-mandatory)


| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|--|---|
| The case codes of the EUCARIS specifications have to be extended. This is a minimal adaption for EUCARIS and MS. |  |

N 1

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in EUR? (non-mandatory)


| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|--|---|
| Specifications for detection equipment are so far not part of EUCARIS. |  |

N 1

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in EUR? (non-mandatory)


| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| There is no link to EUCARIS Systems. |  |

N 1

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| There is no link to EUCARIS Systems. |  |

N 1

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

cost data eucaris specifications costs

N 3

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|-------------------|
| EUCARIS CBE specifications already contain the mandatory data set for data exchange. If this data set would be extended, the specifications would have to be adjusted. The cost would be small. | ↗ |
| Extension of the data set in EUCARIS would cost €400 per MS, initial costs; no impact on operational costs | ↗ |
| see comment provided earlier | ↗ |

N 3

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in EUR? (non-mandatory)

eucaris

N 2

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|-------------------|
| That is an issue of the MS, not of EUCARIS. EUCARIS is not a data base. | ↗ |
| see comment provided earlier, it is already part of the procedure | ↗ |

N 2

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in EUR? (non-mandatory)



N 3

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|-------------------|
| This would possibly have significant effects on the police. The effects would depend on the changes made to the systems and on the integration choices. | ↗ |
| If it is considered to be necessary to access other data registers the present EUCARIS CBE service should be used. It could be extended to include driving license information. A service that facilitates the exchange of driving license information already exists. (EUCARIS RESPER) | ↗ |
| An additional service in EUCARIS would cost €1200 per MS initial costs; no impact on operational costs | ↗ |

N 3

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)



vehicle

registration

data

N 2

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)


| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| The problem is not the data exchange using EUCARIS. It is likely that the vehicle registration procedures on the national level would have to be changed. |  |
| see comment earlier; it is a data that changes frequently to be followed up by the registration authority and it has no link to the purpose of the vehicle registration procedure |  |

N 2

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| Today the exchange of VDR is already provided by EUCARIS CBE. |  |

N 1

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found


M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| EUCARIS and MS already comply with GDPR and LED. |  |

N 1

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found


M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in EUR? (non-mandatory)


| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| That is not an issue for EUCARIS. |  |

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in EUR? (non-mandatory)


| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| That is not an issue for EUCARIS. |  |

N 1

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 1

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| That is not an issue for EUCARIS. |  |

N 1

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found



M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 2

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| It is unclear what the question aims on. If it is considered to be helpful EUCARIS CBE could be extended to exchange further information on vehicles, holders, drivers. |  |
| € 50 per MS; authorization for existing services |  |

N 2

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

N 2

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in EUR? (non-mandatory)

| To your opinion, what would be the impact in EUR? (non-mandatory) | Report |
|---|---|
| That is not an issue for EUCARIS. |  |
| p.m.; statistics on those services |  |

N 2

To your expert knowledge and experience, what is the effect of the following measures on time spend by foreign presumed offenders on understanding the penalty notice?

| | Average | Count | % of responses |
|--|---------|-------|----------------|
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | 42% | 5 | |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | 38% | 5 | |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | 33% | 5 | |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 33% | 5 | |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | 33% | 5 | |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | 25% | 5 | |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | 25% | 5 | |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | 25% | 5 | |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 25% | 5 | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 17% | 5 | |

■ Large increase
 ■ Small increase
 ■ No impact
 ■ Small decrease
 ■ Large decrease
 ■ I do not know

N 5

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#)
To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#)
To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#)
To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#)
To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in minutes? (non-mandatory)

No data found

Road safety benefits

To your expert knowledge and experience, how would the following measures effect the total number of road accidents in which at least one foreign registered vehicle is involved?

| | Average | Count | % of responses |
|---|---------|-------|-------------------------|
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 60% | 35 | 3% 17% 9% 29% 14% 26% |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | 51% | 35 | 14% 11% 17% 14% 14% 29% |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | 50% | 35 | 20% 3% 11% 23% 11% 29% |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | 49% | 35 | 17% 9% 14% 23% 9% 29% |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | 48% | 35 | 11% 3% 34% 17% 29% |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 48% | 35 | 17% 9% 14% 26% 3% 29% |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | 48% | 35 | 11% 3% 34% 11% 3% 31% |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | 47% | 35 | 14% 11% 20% 20% 3% 29% |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 47% | 35 | 20% 9% 9% 23% 9% 31% |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | 46% | 35 | 3% 20% 29% 20% 26% |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | 46% | 35 | 14% 9% 31% 14% 3% 26% |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | 46% | 35 | 14% 14% 20% 20% 3% 26% |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | 46% | 35 | 14% 11% 23% 17% 3% 29% |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | 44% | 35 | 9% 17% 29% 17% 29% |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | 44% | 35 | 11% 9% 37% 14% 29% |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | 44% | 35 | 17% 11% 20% 17% 3% 29% |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | 44% | 35 | 17% 3% 26% 17% 31% |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | 44% | 35 | 9% 11% 37% 11% 31% |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | 42% | 35 | 11% 9% 46% 29% |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | 40% | 35 | 17% 9% 34% 9% 29% |



N 35

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| We already work that way in Belgium (revenues from fines are spent in road safety measures). |  |

N 1

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Only by recommendation (no obligation) as this is internal issue. |  |

N 1

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| In Belgium, yhis is already foreseen. It should be standard all over Europe. |  |

N 1

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Internal issue, so only by recommendation. |  |

N 1

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|---|---|
| The enforcement part of the directive is essential to ensure the feeling of the possibility of getting caught abroad for committing a road offence. |  |

N 1

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

To your expert knowledge and experience, how would the following measures effect the number of road accidents on motorways in which at least one foreign registered vehicle is involved?

No data found

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

To your expert knowledge and experience, how would the following measures effect the likelihood of the successful identification of the presumed foreign offenders?

| | Average | Count | % of responses |
|---|---------|-------|----------------|
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | 35% | 34 | |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | 34% | 34 | |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | 31% | 34 | |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | 31% | 34 | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 30% | 34 | |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | 30% | 34 | |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | 29% | 34 | |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | 29% | 34 | |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | 28% | 34 | |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | 28% | 34 | |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | 28% | 34 | |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 27% | 34 | |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | 26% | 34 | |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | 25% | 34 | |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 24% | 34 | |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | 23% | 34 | |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | 23% | 34 | |

| | Average | Count | % of responses |
|---|---------|-------|---|
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | 23% | 34 | <div style="display: flex; justify-content: space-between; align-items: center;"> </div> |



N 34

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| 1% |  |

N 1

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Can be important in border areas. Our country has already concluded far-reaching bilateral agreements with two neighbouring countries: France and the Netherlands. |  |

N 1

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#)
To your opinion, what would be the impact in percentages (non-mandatory)




| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Already so in Belgium. |  |

N 1

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#)
To your opinion, what would be the impact in percentages (non-mandatory)

N 3

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#)
To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Very important for facilitate automatically exchange of data eg for low emission zones (which also has an impact on rad safety, cf. our answer of last summer 2020). |  |
| 1% |  |
| see comment provided earlier |  |

N 3

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 2

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| also important for renting/ leasing cars abroad. |  |
| see comment provided earlier |  |

N 2

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| GDPR! |  |

N 1

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Eucaris exists already? |  |

N 1

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| By recommendation only. |  |

N 1

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Very important for us. |  |

N 1

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| 5% |  |

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Internal issue; only by recommendation. |  |

N 1

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

| | |
|--|---|
| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
| Learn by figures. |  |

N 1

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

To your expert knowledge and experience, how would the following measures effect the likelihood of the successful enforcement of sanctions on the presumed foreign offenders?

| | Average | Count | % of responses |
|---|---------|-------|----------------|
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | 37% | 34 | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 33% | 34 | |
| M4 - {{modal "Increase resources for road safety measures by earmarking revenues from cross-border fines " survey.questions.M4 position="right"}} | 32% | 34 | |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | 30% | 34 | |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | 29% | 34 | |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | 29% | 34 | |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | 29% | 34 | |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | 27% | 34 | |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | 26% | 34 | |
| M3 - {{modal "EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation " survey.questions.M3 position="right"}} | 25% | 34 | |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | 25% | 34 | |

| | Average | Count | % of responses | | | |
|---|---------|-------|----------------|-----|-----|-----|
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | 25% | 34 | 24% | 35% | 24% | 18% |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | 25% | 34 | 24% | 32% | 24% | 21% |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | 24% | 34 | 32% | 26% | 21% | 18% |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | 23% | 34 | 35% | 24% | 21% | 18% |
| M20 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences" survey.questions.M20 position="right"}} | 23% | 34 | 26% | 35% | 15% | 21% |
| M21 - {{modal "Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions" survey.questions.M21 position="right"}} | 23% | 34 | 26% | 35% | 15% | 21% |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 22% | 34 | 32% | 44% | 3% | 12% |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 18% | 34 | 47% | 18% | 9% | 21% |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | 17% | 34 | 50% | 24% | 3% | 15% |

■ Large increase
■ Small increase
■ No impact
■ Small decrease
■ Large decrease
■ I do not know

N 34

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|---|--------|
| If people know that they are a possible offender everywhere in the EU, they will act more safe on the European roads in general. If the enforcement part can also be successful, the chance of being caught will also be increased all over Europe. | |

N 1

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#)
To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#)
To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 2

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Important for LEZ! |  |
| see comment provided earlier |  |

N 2

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#)
To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#)
To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| 5% |  |

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

To your expert knowledge and with the information available to you, how would the following measures effect the protection of personal data of a presumed foreign offenders?

| | Average | Count | % of responses |
|---|---------|-------|----------------|
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED " survey.questions.M14 position="right"}} | 63% | 34 | |
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | 55% | 34 | |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | 52% | 34 | |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | 50% | 34 | |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | 48% | 34 | |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | 47% | 34 | |
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | 47% | 34 | |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 47% | 34 | |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | 46% | 34 | |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | 45% | 34 | |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 45% | 34 | |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | 44% | 34 | |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | 43% | 34 | |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | 43% | 34 | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 40% | 34 | |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | 37% | 34 | |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | 37% | 34 | |



N 34

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| 1% |  |

N 1

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| 1% |  |

N 1

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| -1% More exchange of personal data; with simple Holder liability this is not necessary |  |

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| 1% |  |

N 1

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

To your expert knowledge and with the information available to you, how would the following measures effect the right to an effective remedy and to a fair trial?

| | Average | Count | % of responses |
|--|---------|-------|----------------|
| M19 - {{modal "Ensure authenticity and fair service of final decisions" survey.questions.M19 position="right"}} | 76% | 32 | |
| M13 - {{modal "Ensure consistent and seamless language regime in the follow-up communication with presumed offender" survey.questions.M13 position="right"}} | 74% | 32 | |
| M14 - {{modal "Ensure that the information exchange under the CBE Directive complies with GDPR and LED" survey.questions.M13 position="right"}} | 69% | 32 | |
| M15 - {{modal "Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules" survey.questions.M15 position="right"}} | 67% | 32 | |
| M16 - {{modal "Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver" survey.questions.M16 position="right"}} | 63% | 32 | |

| | Average | Count | % of responses |
|---|---------|-------|----------------|
| M12 - {{modal "Establish mandatory minimum requirements for the information to be shared with presumed offender" survey.questions.M12 position="right"}} | 61% | 32 | |
| M10 - {{modal "Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents" survey.questions.M10 position="right"}} | 60% | 32 | |
| M11 - {{modal "Establish harmonized time limit for sending the information letter to ensure fair service of documents" survey.questions.M11 position="right"}} | 60% | 32 | |
| M18 - {{modal "Establish specifically designed follow-up mechanism for mutual recognition of financial penalties" survey.questions.M18 position="right"}} | 60% | 32 | |
| M17 - {{modal "Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle" survey.questions.M17 position="right"}} | 59% | 32 | |
| M8 - {{modal "Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle" survey.questions.M8 position="right"}} | 57% | 32 | |
| M7 - {{modal "Ensure access to other data registers (other than VRD) through one single system" survey.questions.M7 position="right"}} | 56% | 32 | |
| M6 - {{modal "Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request" survey.questions.M6 position="right"}} | 55% | 32 | |
| M9 - {{modal "Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system" survey.questions.M9 position="right"}} | 54% | 32 | |
| M2 - {{modal "Recommend methods of use and technical specifications for detection equipment " survey.questions.M2 position="right"}} | 53% | 32 | |
| M5 - {{modal "Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences" survey.questions.M5 position="right"}} | 53% | 32 | |
| M1 - {{modal "Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection" survey.questions.M1 position="right"}} | 49% | 32 | |




N 32

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M1 - [Extend the scope of the CBE Directive to other road-safety related offences, clearly define them and specify their method of detection](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| natives = foreigners throughout the EU. |  |

N 1

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M2 - [Recommend methods of use and technical specifications for detection equipment](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M3 - [EU Funding of road traffic police authorities to improve their control capacity and cross-border cooperation](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in percentages (non-mandatory)


No data found

M4 - [Increase resources for road safety measures by earmarking revenues from cross-border fines](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

M5 - [Establish mandatory minimum data content of vehicle registers necessary for the investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M6 - [Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M7 - [Ensure access to other data registers \(other than VRD\) through one single system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M8 - [Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle and on previous owner/holder of a vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| see comment provided earlier |  |

N 1

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M9 - [Require the investigation of road traffic offences \(outgoing searches/requests\) to be exchanged through one system](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M10 - [Provide a dedicated list of entities in different MS that are entitled to issue information letters to ensure authenticity of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)


No data found

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)

limittime

N 1

M11 - [Establish harmonized time limit for sending the information letter to ensure fair service of documents](#) To your opinion, what would be the impact in percentages (non-mandatory)


| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|---|---|
| Internal issue. The time limit for natives should be the same as for foreigners. It seems thus impossible to have 1 harmonised time limit for the whole EU. |  |

N 1

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M12 - [Establish mandatory minimum requirements for the information to be shared with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Potentially differs in every MS... |  |

N 1

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M13 - [Ensure consistent and seamless language regime in the follow-up communication with presumed offender](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M14 - [Ensure that the information exchange under the CBE Directive complies with GDPR and LED](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M15 - [Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found


M16 - [Establish specifically designed investigation mechanism for cross-border exchange of information aimed at better identification of the offender/driver](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

N 1

M17 - [Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle](#) To your opinion, what would be the impact in percentages (non-mandatory)

| To your opinion, what would be the impact in percentages (non-mandatory) | Report |
|--|---|
| Internal issue. |  |

N 1

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M18 - [Establish specifically designed follow-up mechanism for mutual recognition of financial penalties](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M19 - [Ensure authenticity and fair service of final decisions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M20 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

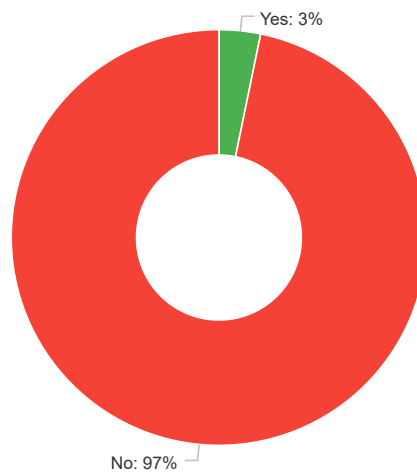
M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)

No data found

M21 - [Ensure adequate mandatory provision of the information by Member States to monitor detection and investigation of road traffic offences, and enforcement of sanctions](#) To your opinion, what would be the impact in percentages (non-mandatory)











No data found

And finally, do you hold any information (e.g. reports, articles, data, ...) to illustrate your responses to the previous questions on impacts on costs and benefits?



N 31

Thank you for taking the time to fill in this extensive survey. Please note that we greatly appreciate all your time and efforts to help us provide information with this study! If you have any remaining comments, feel free to use the text box below.

| Thank you for taking the time to fill in this extensive survey. Please note that we greatly appreciate all your time and efforts to help us provide information with this study! If you have any remaining comments, feel free to use the text box below. | Report |
|--|---|
| I would like to refer to the interview we had with Ecorys (Lauranne and Guus) at 15 June, ans also to the extensive questionnaires we filled in in 2020 - 2021 with the support of our partners (Justice, Police, belgian regions). |  |
| Please note that the replies and, especially the explanations given to the three first 'problems' cover the entire survey. Thus, the remaining questions haven't been answered as such. |  |
| Dear Colleagues, Very difficult questionnaire to respond to for ETSC. I'm afraid there were a lot of 'I don't know'. I hope some answers will help nevertheless. best regards, Ellen |  |
| CBE Directive is not widely applied in Finland. Therefore we do not hold much information on the subject. |  |
| It must be ensured and secured that the M.S. representatives on the CBE directive are experts in their field. Their expertise must be proved through certain criteria. For example an established representative must have many years of work and experience in the sector of the related traffic offences. It is unacceptable for a M.S. to accept the appointment of representatives who have no previous experience in this field. |  |
| Concerning further steps and the further development of the CBE Directive, we would consider it to be a useful and appropriate measure to extend the scope of offences to include dangerous overtaking and the failure to keep a sufficient distance from the vehicle in front. Parking offences which create risks for other road users should also be included and taken into account in a future revision of the Directive. They are deemed to be dangerous parking (e.g. obstructing emergency access routes for fire and emergency services or designated parking spaces for disabled persons). A definition of what specifically constitutes dangerous parking should be included (see above as explained in question number 5). In contrast, we do not consider it necessary that simple stopping and parking offences or toll violations be taken account of in the Directive, as these offences are not relevant to road safety. Moreover the scope should be extended to all road traffic offences. When it comes to the definition of road traffic offences it should be defined according to the understanding of road traffic offences as it is mentioned in the German declaration in the council decision 2015/214/JI A further suggestion for the further development is of a technical nature. It would be helpful to include place and date of birth and sex in the information provided upon request in order to allow for better possibilities of investigation. For Germany the cooperation between the Member States is very important when it comes to more specific information about the driver (driver investigation). It would be much helpful to have the duty between the Member States for cross-border investigation assistance. For further comments see question 8 sub question 16. |  |
| We hope that your work will contribute to an effective future solution. |  |
| - |  |
| Establishing one single system for information exchange means engaging one private company for IT, which is problematically regarding procurement law. Obviously only one system exists, which is Eucaris. Regarding procurement law and as well regarding costs it is problematically if there is only one contractor existing, which is aimed to be engaged. This as well raises massive data protection and data security concerns in combination with connecting registers,giving more acces to registers and enlarging registers. Cross border enforcement of legally binding decisions is ruled in Framework Decision 2005/214/JHA. Ruling this in the CBE-Directive causes (more) problems, complexity and contradictions, in particular together with different distinction between administrative desicions and criminal law in member states and lacking a common and binding definition of 'traffic offences'. Solving this should be done by adapting Framework Decision 2005/214/JHA. |  |
| Thank you |  |

Annex V – Expert workshops

Workshop 1 – problem definition and baseline

On 26 June, a workshop was organised directed at public authorities, researchers and road users association, to gather more information on the problem definition as well as a first indication on the policy measures. Because of COVID-19, the workshop was organised in a virtual setting.

61 participants registered for the online workshop, including representation of the following Member States: AT, BE, CZ, DK, DE, EE, EL, ES, FR, CY, LV, LT, LU, HU, MT, NL, PL, PT, RO, SI, FI, SE¹. From the EFTA, Norway was also registered.

A number of Member States / organisations also provided us with verbal feedback on the shared information package, namely:

- Austria
- Czech Republic
- Eucaris
- Finland
- Germany
- Spain
- Sweden
- Cyprus

Workshop 2 – policy measures

On 14 January 2021, a second (virtual) workshop was organised, to gather stakeholder opinion on a set of proposed policy measures. Representatives for public authorities, researchers and road users associations were again invited. Because of COVID-19, the workshop was organised in a virtual setting.

To gauge the opinion of the participants, a polling tool was used, asking the participants if they think a measure should be retained, retained but adapted or discarded. The response of this can be found in the presentation/report, presented further in the document.

77 participants registered for the online workshop, including representation of the following Member States: AT, BE, BG, CZ, DK, DE, EL, ES, IE, HR, FR, CY, LV, LT, LU, HU, MT, NL, PL, PT, RO, SI, FI, SE². From the EFTA, Norway and Switzerland were also registered.

The following documents contain the presentation and reports for each respective workshop, as well as the received written feedback for workshop 1.

¹ Representation for Bulgaria, Ireland, Croatia, Italy, Slovakia did not participate, but were indeed invited to the workshop

² Representation for Bulgaria, Italy, Slovakia and Estonia did not participate, but were indeed invited to the workshop



CBE Directive Impact Assessment
Expert Group Workshop meeting 26th June 2020

CBE Directive Impact Assessment

Expert Group Workshop meeting 26th June 2020

Welcome

The meeting will start shortly

Please remember to mute your microphone and to switch off your camera

In case of technical problem please use the chat function or

Email: cbe@ecorys.com

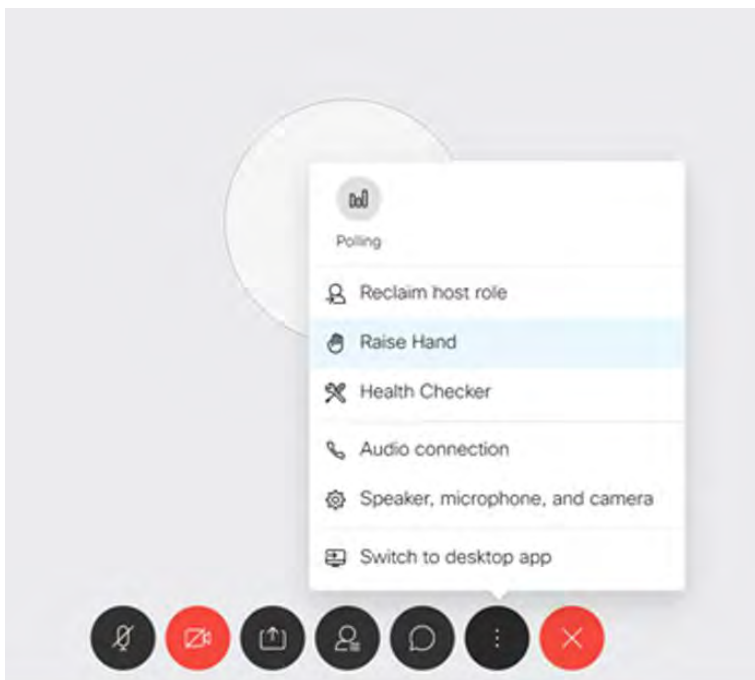
Some general technical advice

1. Please *keep your microphone muted* when not speaking
2. Switching *off the video* could help the connection
3. Send a message in the *chat box* if you want to contribute or ask a question. If you would like to have the floor, please select “All participants” in the chat box and write your full name and organisation.
4. If you wish to speak please, *raise your hand* (see next slide)
5. Please be respectful and patient.

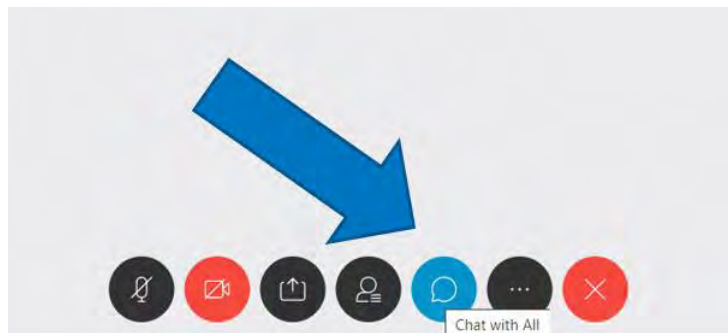
This meeting is NOT recorded

Some general technical advice

To raise your hand



To chat



Introduction

Objective of the study

- Revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety–related traffic offences
- Provide input to the Commission’s Impact Assessment
- Follow the Better Regulation Guidelines

Objective of today’s session

- Ask the group’s input in better defining the type, extent and magnitude of the problems/challenges
- Have a first discussion on possible draft measures

Part A – Discussion on the problems related to the implementation of the CBE Directive

Outcomes of the evaluation (2016)

- The Directive improved the investigation of road traffic offences
- The Directive increased awareness among EU citizens on road traffic rules

Nevertheless

- EUCARIS is not used to its full extend
- Many detected offences are not enforced and/or sanctions are not followed up

Part A – Discussion on the problems related to the implementation of the CBE Directive

Set-up of current problem assessment

- Five main problem areas defined
- Each with its own set of drivers and root causes

Part A – Discussion on the problems related to the implementation of the CBE Directive

Problem 1 – Not all detected road offences are investigated

- Automated detection not always possible
- Vehicle data are sometimes incomplete/unavailable
- Identification of the driver is problematic
- Not all offences are covered by the CBE Directive

Part A – Discussion on the problems related to the implementation of the CBE Directive

Problem 2 – Decisions on penalties not always recognised

- Road traffic offences do not easily fit in the EU mutual recognition framework
 - Differences under which law offences fall (criminal versus administrative)
 - Many grounds for non-recognition and exemptions
 - EU procedures are deemed complex

Part A – Discussion on the problems related to the implementation of the CBE Directive

Problem 3 – Driving disqualifications are difficult to enforce cross border

- No EU or international law on enforcing driving disqualifications cross border
- Each Member State has its own legal framework for driving disqualifications

Part A – Discussion on the problems related to the implementation of the CBE Directive

Problem 4 – Fundamental rights are protected differently

- Difference in fundamental rights protection between residents and non-residents
 - Based on different liability schemes presumed offender cannot always be identified
 - Presumed offender does not receive adequate information
 - Data protection regime in current CBE Directive is outdated

Part A – Discussion on the problems related to the implementation of the CBE Directive

Problem 5 – Difficulties in measuring the success of the CBE Directive

- Not all Member States provide information on committed offences
- Some Member States are frequent users of EUCARIS, while others hardly use it
- Current data requirements do not enable to measure all outcomes

Part A – Discussion on the problems related to the implementation of the CBE Directive

We would like to hear from you. Please select the answer from those provided in the right part of your screen (voting).

- Based on your experience, how has the number of road traffic offences developed?
- In cross-border enforcement of road safety related traffic rules, where do you consider the most important challenges currently lie?
- In which area should the EU focus its action (if at all)?

Part A – Discussion on the problems related to the implementation of the CBE Directive

General questions for discussion

- How do you see the problem developing in the future?
- How high are the costs of the follow up procedures concerning these road traffic offences? Is this a disincentive for national or local authorities to initiate an investigation and enforce the sanction?
- In 2008, non-resident drivers were considered three times more likely than resident drivers were to commit road traffic offences. Do you consider this to still be the case? How would it develop in future?
- Is a perception in your country that non-residents/non-nationals are not prosecuted for their road traffic offences? To what extent a potential feeling of “unfair treatment” leads to the increase of road traffic offences committed by residents/nationals?
- How far does the current IT system (EUCARIS) meet the needs of your authorities in investigating road safety related traffic offences? What are the main challenges encountered?

Short break

Kindly make sure your microphone is muted during the break

Part B – Discussion on first draft of possible measures to address the identified problems

Some introductory elements

What do we mean by policy measures?

How have they been developed/designed?

How will they be used?

How to read the document provided?

Part B – Discussion on first draft of possible measures to address the identified problems

- Measures are defined for root causes
- For each root cause at least one possible solution is defined
- Mix of soft measures and hard measures (legislative action required)

Part B – Discussion on first draft of possible measures to address the identified problems

Examples of soft measures

- Promotion or raising awareness in dedicated areas
- State of play research
- Funding programmes

Part B – Discussion on first draft of possible measures to address the identified problems

Categories of hard measures

- Amendment of the CBE Directive
- Amendment of other EU law
- New EU law

Part B – Discussion on first draft of possible measures to address the identified problems

Examples of possible amendments of the CBE Directive

- Updating data protection requirements
- Extending mandatory reporting requirements (Article 6)
- Harmonise deadlines for sending penalties notices
- Further harmonise content of national vehicle registers
- Extending the scope of the Directive

Part B – Discussion on first draft of possible measures to address the identified problems

Examples of possible amendments of other EU law

- Harmonise format of Member State's license plates (Council Regulation (EC) No 2411/98)
- Reduce the effects of the grounds for non-recognition/execution of decisions (FD 2005/214/JHA)
- Digitise the communication between issuing and executing state (FD 2005/214/JHA)
- Ensure consistent/uniform and seamless language regime in the follow-up procedures (Directive 2010/64/EU)

Part B – Discussion on first draft of possible measures to address the identified problems

Examples of possible new EU law

- New law on mutual recognition of driving disqualifications

Part B – Discussion on first draft of possible measures to address the identified problems

Please select the answer from those provided in the right part of your screen.

- Do the measures constitute an effective response/solution to the problems, or do you consider that there are aspects which have not been addressed?
- Where should measures on detection of road traffic offences focus on?
- Regarding the exchange of information under investigation between Member States, how could the system be improved?
- With regards to the enforcement of sanctions, where should the measures primarily focus on?
- As regards possible extension of the scope of the CBE Directive, where should the measures primarily focus on?

Part B – Discussion on first draft of possible measures to address the identified problems

General questions for discussion

- Which proposed measures would have limited/no impact or are not relevant and thus should not be followed up?
- Are there any other measures not included in the list, which should be considered/taken into account?

Closing and next steps

- Feedback from this session is welcome – discussion document
- Stakeholder consultation under way: We are interested in hearing more from you
- A similar workshop focused on policy scenarios' impacts in September
- Study on-going till December 2020

CBE Directive Impact Assessment

Expert Group Workshop meeting 26th June 2020

Thank you for your participation

Should you have further questions or wish to provide additional feedback please contact us at: cbe@ecorys.com

CBE Impact Assessment – Expert group workshop meeting

Meeting report

Date: 26 June 2020

Time: 10.00 – 12.30

Introduction

The meeting was organised by the ECORYS consortium¹ in the framework of impact assessment support study for the European Commission on the revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences (“CBE Directive”). The workshop was aimed at consulting the members and observers of the Expert Group, established to support the enforcement of road safety related traffic rules, and other experts, especially justice practitioners, who wished to participate.

DG MOVE opened the meeting by referring to the latest statistics on road traffic accidents, which show a stagnation in road fatalities (22 800 deaths in 2019) and serious injuries over the last four years. The revision of the CBE Directive is aimed at reversing this trend, as requested by the transport ministers in the Valetta Declaration of 2017.

The ex-post evaluation of the CBE Directive concluded that, while it did manage to remove the anonymity of the offending drivers, it did not manage to remove the impunity. Thus, many penalties still are not paid in Europe. It further defined the following problem areas: inadequate investment in road traffic detection capacity, inadequate follow-up of the offences, fundamental rights challenges, and issues relating to reporting obligations and scope of the Directive. For the latter, this could be expanded to include other road safety or non-road safety related traffic offences and the mutual recognition of driving disqualifications.

The current impact assessment cannot cover all the topics mentioned above. However, it can provide a legal feasibility analysis, which will inform other possible initiatives.

The study team explained that the project was initiated in the beginning of 2020 and will last 12 months. The aim is to assist DG MOVE by collecting and analysing the necessary information, following the steps defined in the Better Regulation Guidelines. The study is in its initial stages, having identified the problem and considered a range of measures to address it. The aim of the workshop is to obtain feedback from the participants which will help the study team to refine/confirm its approach.

A background document was shared to the participants before the workshop, providing more detailed information and including a series of questions to which the participants are welcome to react in writing. Experts from Austria and Germany were thanked for having already reacted with a written contribution.

¹ The study consortium is led by Ecorys, along with Grimaldi Studio Legale and Wavestone

Part I – problem assessment

The first part focus on the problems related to the CBE Directive. The study team presented briefly the five main problem areas along with their underlying drivers and causes.

Following the presentation, a quick polling exercise was undertaken to “warm up”. While the poll is only considered as indicative and not the final or formal position of the experts , it still provides an interesting insight. The feeling was that the number of road traffic offences committed by non-resident vehicles has increased in the past decade. As well, the poll indicated that the problems lie primarily in the stage of enforcement of sanctions and that this is the area EU action should be focused on. The exchange of information under investigation of the offences and their detection were less prominent. Nevertheless, the majority of participants did not express any views.

In the discussion, the participants provided the following views/positions:

Germany

According to Germany there are three main issues. The first is investigation of the offences in order to identify the driver where support of other MS is needed to initiate enforcement procedure. The second is the scope of the CBE Directive. Many offences can be detected automatically nowadays. However, the mechanism established by the Directive cannot be used to exchange information for the offences which are outside the scope of the Directive. It means that the exchange of information on the vehicle owner/holder is not always allowed/possible, although it would be helpful. For instance, in the case of UVARs (urban vehicle access regulations), where authorities would like to verify whether a vehicle was allowed to enter a urban zone. The third is to support the Commission in the field of data. Germany aims to send relevant statistical reports regularly to the Commission..

The Netherlands

The Netherlands supports the position of Germany. It clarified that they send 9 million penalty notices each year, of which 1 million are send abroad. The CBE framework works fine and in that respect, it does not have to be amended. The scope of the Directive should be extended, so that more offences can be followed-up cross border. The enforcement procedures differ per MS, which that makes it more difficult to follow-up, although it is possible. Focus of the impact assessment should be on the offence detection phase. Currently many detected offences are related to speeding and non-respecting a red light. The other offences are detected far less, and this needs to be improved.

Belgium

Belgium would like to detect more offences automatically. Efforts are made to improve this, and Belgium is confident automatically detected offences will increase in the coming years. Focus is now on automated detection of using phones behind the wheel and the use of seatbelts. The CBE Directive is very important for Belgium as many of the offenders are non-residents. One of the main problems is the limited scope of the Directive. Police officers do detect many offences but cannot exchange information as the offences are not covered by the Directive. This is very frustrating for police officers, especially those in the border regions. Offences that could be added are overloaded vehicles, non-respecting urban low emission zones and dangerous parking (focus on parking offences that cause a danger). It is not about not paying a parking ticket or parking beyond a time limit. Another main problem is enforcement of financial penalties in another MS. To improve the situation, Belgium aims to conclude agreements with neighbouring MS. Belgium will send written comments later.

Austria

According to Austria, the focus of the study should be 'less is more'. Looking at the background document, there are many problems mentioned. Nevertheless, there are the following main areas which require particular attention and are missing or are incorrectly indicated in the background document:

- 1) cross-border service of documents;
- 2) automatic translation of documents as the translation has high time and monetary costs;
- 3) From a practical point of view it would be good to know who the competent authorities in the different Member States are (both for the investigation and enforcement of sanctions), as it facilitates the whole process. A list of national contact points would help in this.

In addition, in the problem description 1 detection and investigation aspects are mixed up. The exchange of vehicle registration data works well. The focus should be put more on the investigation. Finally, there is no need for any new legislation. Many of the presented possible measures fall under subsidiarity. The most important thing is to digitise the procedures, especially under investigation. The fact that Member States do have different legal liability regimes is not a problem - it can complicate the investigation a bit, but it can be overcome. The study should not be focused on this issue and any future proposal must avoid any harmonization in this area.

Harmonising procedures in the investigation of the offences and execution of sanctions for these offences should also be avoided.

Spain

Spain agrees with Austria. In addition, the most important problem is that offenders do not pay their fines, i.e. cross-border enforcement of financial penalties is the main problem. Only fines paid are those paid on a voluntary basis. Something should be done here, since only a minority of offenders is willing to pay voluntarily. The majority just refuses to pay.

The Czech Republic

The Czech Republic informed that written comments would be sent later. However, special legal instruments for cross-border enforcement of sanctions (including driving disqualifications) in administrative matters have to be adopted at EU level (i.e. outside the scope of EIO, FWD 2005/214/JHA and MLA Convention, which are legal acts falling under criminal cooperation). Currently, administrative offences are dealt with under criminal matters. Consequently, criminal courts and judges are overloaded by administrative delicts. They are not able to deal with the (future) huge amount of work generated by road traffic offences.

EUCARIS Secretariat and Operations

EUCARIS has much more technical functionalities than are currently used. EUCARIS is involved in projects to further develop the system and this enables authorities to exchange much more information than is currently done as part of the CBE Directive. EUCARIS also supports exchange of data on driving licences (driver registers), as well as the exchange of documents concerning financial penalties, especially between the Salzburg Forum countries. Thus, it could support to extend the scope of the Directive. Problems are not of technical nature but more of legal nature, as the law does not always allow using all functionalities of EUCARIS. Regarding the execution of financial penalties there might be some challenges. The Salzburg Forum countries just started with exchange of information in this area and their solution could be expanded to other MS. The legal environment is lagging behind the available technical solutions.

France

France questioned the political ambition for this initiative, and what the future CBE Directive should achieve. The focus should be less on solving technical and legal issues. If there is not enough

ambition, more and more bilateral agreements will be concluded between MS, since there is a clear need to solve some issues, especially as regards cross-border enforcement of other offences (e.g. non-payment of parking fees in border regions). Mutual recognition of driving disqualifications also remain an important issue.

Sweden

Sweden has not yet used the CBE Directive for the investigation of road traffic offences committed on its territory, so experience with the application of the Directive is missing. One of the main problems Sweden faces is related to cross-border legal cooperation. It does not appear to be economically feasible to follow-up the detected offences, as it is too time and cost intensive. Sweden will send written comments later.

Part II – discussion on policy measures

The second part focused on the measures considered to address the identified problems and their root-causes. The study team explained the way measures are constructed and used within the Better Regulation methodology, as they are the “building blocks” on which policy options will be defined and impacts assessed.

The introduction was followed by a short presentation of the main characteristics and thinking behind the development of the 30 policy measures included in the annex to the background document. Given the time constraints, the full list of measures could not be addressed in the meeting, but participants were encouraged to submit their comments in writing.

Following the presentation, and similarly to the first section an informal polling took place. As before, the poll was considered as indicative and not the formal position of the experts. The view of participants seemed to focus on the measures improving the efficiency of the investigation process. The exchange of information could be improved through increasing the interconnectivity/interoperability between databases and IT systems. Harmonisation of the existing cross-border procedures was considered primarily as a way to improve enforcement of sanctions. Finally, the extension of the scope of the CBE Directive, to other offences (both safety and non-safety related) was suggested. Nevertheless, the majority of participants did not express any views.

DG MOVE clarified that the aim of the initiative is not only to improve exchange of information between MS authorities, but also to ensure the respect of fundamental rights of presumed offenders. A balanced approach is also needed between executing and judicial powers. The existence of different liability regimes that apply in the EU is not a matter than can be easily overlooked. Without harmonized legal liability regime, namely in the case where the offences are committed by vehicles registered abroad, many offenders can escape the justice, whatsoever mechanism of cross-border cooperation and mutual assistance between MS would be put in place.

In the discussion, the participants provided the following views/positions:

Austria

Austria suggested that a practical approach should be followed in defining measures. What would be needed to improve the daily practice? Some areas which can be improved are the identification of relevant authorities to ensure payment of the fine, digitize translation and service of documents. To facilitate the translation which seems to be a major issue, XML techniques can be used, as well as a pre-set format of documents. Consequently, the text is translated, while the effort on both sides is minimised.

It would be advisable to focus on a few core areas, with measures that will lead to an improvement without a major effort. There is no need to change legislation and no need to step over MS jurisdiction.

EUCARIS Secretariat and Operations

EUCARIS considered that the focus of the discussion is a lot on amending the existing legal framework. A point which is missing in the discussion is the future. How will road traffic develop? Many new things are happening, such as a shift to automated driving, shared ownership of a car (multiple holders use one vehicle) and car manufacturers who remain the owner of the vehicle and lease the car for a short period of time. In all those examples, it becomes indeed difficult to identify the person liable for an offence. How the CBE Directive will deal with this? Furthermore, it is questionable why the Directive should cover the exchange of information on driving licence holders. There is no need to interconnect vehicle registers with driving licence databases. The exchange of information on driving licences should be dealt with under revision of Driving Licence Directive.

Denmark

Denmark has not yet used the CBE Directive for the investigation of road traffic offences committed on its territory. Hopes to do that next year.

Spain

For Spain, the largest problem is mutual recognition of financial penalties. The study should be focused on that issue.

Germany

Germany informed that the grounds for refusal of decisions on financial penalties practically do not play any role in enforcement. Germany is rather advanced in collecting the fines (mainly with the Netherlands). About 60% of all fines received from the Netherlands is enforced/executed. 40% of fines is not enforced/executed because the whereabouts of the offenders are not clear (e.g. unknown address, the offender has moved or died). This is a practical problem, not a legal one. Digitizing the communication between Member States is necessary. It is important to improve this, especially the translation part as a lot of time is spent on this. Tackling issues with translation will make enforcement much easier. Germany and the Netherlands are already working on a digitised exchange of information on the basis of e-Codex. They will soon be able to exchange xml-files.

The Czech Republic

The existing EU legislation - FWD on financial penalties, MLA Convention or EIO are not tailored for enforcement of road traffic offences. The system is too complicated for administrative authorities. There are problems with filling out the certificates properly and sticking to the high-level legal guarantees of criminal proceedings. Solution would be to propose a special EU law on enforcement of administrative sanctions.

Romania

As regarding the mutual recognition of driving disqualifications, Romania signed the European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle². In short, it imposes driving disqualifications against the Romanian driving licence holders if they commit traffic related criminal/administrative things in the countries which signed the Convention.

² <https://www.coe.int/en/web/conventions/full-list/-/conventions/treaty/088>

Closing remarks

DG MOVE agreed with the approach “less is more”. Nevertheless, DG MOVE was not able to conclude on the outcome of the workshop due to contradictory (quite opposite) views between MS on crucial issues and the incapability of the majority of participants to express any view in the poll. Some further thinking is needed on which measures are feasible and which need to be discarded. DG MOVE stressed that the aim of the initiative is improving road safety and not e.g. police cooperation. DG MOVE has to deal with cross-border enforcement of sanctions, because 95% of requests to recognise decisions on financial penalties is related to road traffic offences. However, it is not the competence of DG MOVE to modify FD 2005/214/JHA which covers practically all offences and is more of justice rather than transport nature. The question whether to use MLA or EIO depends on what information MS would like to exchange. This is not clear, yet. The extension of the scope to all road traffic offences will require a separate impact assessment. It is easy to propose such an extension, but it is almost impossible to obtain robust information from MS on the scale of the problems. Protection of fundamental rights which is completely neglected by MS, requires special attention. Road safety much depends on behaviour of road users, which cannot be improved, if the users are often disoriented by the information provided with penalty notice/information letter, unclear appeal procedures and inconsistent, chaotic language regime in cross-border legal proceedings.

The study team closed the meeting by thanking the participants for their contributions. The stakeholder consultation is currently under way, which will include a series of interviews and an on-line survey. The participants are welcomed to contribute further. A similar workshop focusing on the impacts of the policy scenarios is planned on 14 September 2020.

Contributions, comments or suggestions can be sent to: cbe@ecorys.com

Czech Republic's opinion concerning the revision of Directive 2015/413

- Investigation and enforcement

The Czech Republic would like to contribute to improvement of road safety, whereas better cross border enforcement of road traffic rules constitutes a significant element.

We are of the opinion that while there are instruments for judicial recognition and execution of foreign decisions in criminal matters, the instruments for administrative cross-border recognition and execution of administrative sanctions (typically financial penalties, but also driving disqualifications) for road traffic offences is missing.

Therefore, we are convinced that a special procedure in the field of administrative cooperation in this regard shall be introduced. Such a procedure in the field of cooperation in administrative matters, outside of cooperation in criminal matters, shall cover **cross border investigation and cross border enforcement of imposed (administrative) penalties/sanctions for driving offences**.

As regards the current instrument for international cooperation which are used in the area of execution of sanctions for road traffic offences, there is rightly pointed out in the Background discussion document of ECORYS, that these are not tailored for the administrative offences. The MLA Conventions, European Investigation Order or Framework Decision 2005/214/JHA are instruments for judicial cooperation in criminal matters. Due to a concept of administrative-criminal law in certain Member States (i.e. Austria, Germany, etc.) there is a possibility to use them also for administrative cooperation to a certain limited extent.

However, it creates the unbalanced system, from which only a few Member States can benefit. Moreover, the experience from practice show that it is very uneasy for the issuing administrative authorities to meet the requirements and standards necessary for the judicial cooperation in criminal matters and criminal proceedings (i.e. to fill in correctly and thoroughly the certificate, to meet the requirements for service of procedural documents, remedies or translation).

The Czech Republic is therefore of the opinion, that practice clearly shows that there is a need to adopt a specific legal measure for **cross border investigation and cross border enforcement of imposed (administrative) penalties/sanctions for driving offences**, in order

to improve the road safety (*line 15 of the Excell document*) which will be outside the scope of the judicial cooperation in criminal matters and which will serve all the Member States instead of current unbalanced status quo.

Dear colleagues,

Herewith some reactions on your background discussion document and the Video-workshop of last Friday 26 June concerning the revision of the CBE Directive.

I react informally from the perspective of the supporting vehicle registrations, data exchange and EUCARIS in particular. Consequently I have answered only part of the questions. My reactions do not necessarily reflect the position of The Netherlands or another EU Member State, or their responsible authorities.

Q3: The EU vehicle registers contain reasonably up-to-date data on vehicle holders. In some registers the liability chain contains gaps, e.g. because a change in holdership is not processed in one transaction but in two steps: in the first step the old holdership is ended, in the second step the new owner/holder will ask for registration, sometimes some weeks after the first step.

Another question is whether this allows for identification of the offender. No, evidently not. There is no information available on the person that committed the offence. Even in case a photo is available, further investigations have to start at the holder of the vehicle licence.

The third element in this question relates to statistics. Please see the statistics for 2019 that EUCARIS delivered to the EC (Mr Rudolph Koronthaly).

Q5: RESPER is not a database but an exchange system connecting the driving licence databases in the MS. RESPER consists of a Central Hub linking 5 MS to the other 23 MS that use EUCARIS for the exchange of DL information. Therefore RESPER can easily be linked to CBE.

However, the digitalized detection of traffic offences in the MS is based on ANPR and does not provide any (key)info on the driver. So even if we would connect to RESPER, what queries should we make? I am afraid I do not understand your approach.

RESPER can only be used during roadside enforcement where vehicle are stopped. Actually RESPER is currently made available for the Police and other enforcers, but not for camera enforcement.

Q7: the process of vehicle registration is evolving towards more digitalization, to reduce the administrative burden for the citizen (SDG) and to improve the quality of the registrations.

2.2.3. Your description of EUCARIS is rather incomplete. The system is also used for the exchange of DL info (RESPER), TACHOgraph cards, Transport Undertakings (ERRU), Roadside inspections (RSI), Mileage, eCall, CoCs (certificate of conformity delivered by vehicle manufacturers with new vehicles), VAT fraud, Tolls, (vehicle) insurances. In fact EUCARIS aims to be the data exchange mechanism for all transport related data.

Moreover, EUCARIS is used under the Salzburg Agreement for the exchange of information supporting the CBE follow-up proceedings. The services support a check of the address of the Holder, service of the information letter/fine, exchange of information on the driver and finally the transfer of the financial penalty from the country of the offence to the country of the registration of the vehicle.

As far as I know, your suggestion that it is impossible to enforce a penalty in the Member State of the presumed offender where strict driver liability applies, due to the lack of evidence exchanged on the identity of the offender (bullet 6), is not correct. Actually we have heard during the workshop, that Germany is processing thousands of unpaid fines for German citizens originating from The Netherlands, even though the liability regimes in NL and DE are completely different.

Having said this, I want to add that I personally fully agree with your plea for a uniform legal liability regime for road traffic offences committed by vehicles registered abroad at EU level. But evidently this issue has nothing to do with EUCARIS.

Q9: I think we should not focus on the current liability issues, but more on the (near) future. Relevant developments for enforcement in the next 10 years are autonomous driving, truck platooning (blocking ANPR), car sharing, lease. I expect that it will become more problematic to establish the holder of the vehicle registration documents but also to establish who the responsible driver is. A solution could be to install in each car a device able to provide the e-identity of the responsible driver (including the vehicle itself) to roadside equipment. This would be a logical next step and could be based on the available technology in tachographs/tachograph cards, EETS devices, eCall. To be honest, I think that the current Holdership liability that we have in many EU countries is not a consequence of a different vision on 'fundamental rights', but has a very practical reason. If we solve the technological issues, the legal discussions will lose their relevance.

Q24: EUCARIS is prepared to produce yearly statistics about the exchange of CBE data. Please keep in mind that these statistics provide only limited information. Information on the effectiveness and costs of the enforcement have to be provided by the responsible ministry.

Annex 3: harmonization of licence plates is disproportionate; I expect ANPR to be replaced by recognition of electronic vehicle-ID's.

For the time being there is a lot easier/cheaper solution: improve the recognition in ANPR.

- Quantify the problem; how often is a request directed to the wrong country because of a recognition problem of the camera systems? I expect in only a few percent of the cases.
- Consider the introduction of standardized testable requirements for camera software. I expect the software in each MS to focus on neighboring countries. Efficient, but conflicting with the level playing field and equal rights for citizens all over the EU.
- If necessary, ask the MS to set up a registration of plate characteristics (colour, rim, font) and syntax of the licence plates issued by their country. This registration will be rather limited, only a few entries per year.
- Make these registrations available via EUCARIS.
- Let the ANPR recognition software check in this registration; in case of multiple options switch to manual processing and retrieve the vehicle data in the respective registrations. Compare the identifying vehicle data (make, type, colour?) with the photo.

Annex 4: non-issue; O/H history is kept in all MS; all requests are on reference date/time; better focus on the registration procedure of the new holder after a vehicle has been sold.

Annex 5: unclear what issue you try to solve here; first indicate what data should be added in CBE and for what purpose (case-code); after that we can investigate whether the info is available or not in the vehicle registrations.

Annex 6: Not realistic. There are no public registrations of vehicle users. In fact you mean the driver. Unknown! See my remarks above.

Annex 7: problem unclear. What do you want to do with the picture of the Holder? And with his other vehicles?

Annex 8: EUCARIS is already linked with the EC Hub for RESPER; 23 MS use EUCARIS for the exchange of DL information; please make clear what you would like to do with all the mentioned

interconnections; what is the relevance of passport data for CBE? It is all about the identification of the driver. As long as you don't have an identifier, all these databases are of no use.

I do not see what problem is solved by decoupling CBE from the Prüm legislation. The real issue is that maybe EUCARIS should be defined as a community system resulting in more control and monitoring powers for the EC. EUCARIS would be prepared to start a discussion on that with the EC.

Annex 11: problem unclear; Justice practitioners already have real-time access to vehicle registers. Relation with eCodex is unclear.

Annex 17: Active investigation is already supported by EUCARIS, via the so-called Salzburg services; see above; it would be helpful if the provisions of the Salzburg agreement could be incorporated in the CBE legislation in order to make this initiative available for all MS.

Annex 22: ?? I am pretty sure that according to the Third Driving Licence Directive driving disqualifications are already checked before the exchange of a DL in another country. However, what could be improved is that disqualifications of a foreign citizen as a result of a traffic offence are notified to the MS that issued the DL, with the request to sanction the citizen and to register this sanction.

I hope this helps!

Best regards,

Herman Grooters
Senior consultant
RDW ICT

Finland

1. From the experience in your country, are current human and technical resources sufficient for automatic detection of road traffic offences?

There are about 1,085 stationary control points in Finland at the moment, covering about 3,784 km of the road network. (The length of Finland's paved road network is about 51,000 km.) The number of stationary control posts will be increased in the coming years. Traffic accident statistics are used, among other things, in the selection of those control points. The Finnish Transport Infrastructure Agency is responsible for the planning, construction, maintenance of stationary control points outside city areas.

The police use also 26 surveillance cars equipped with automatic monitoring devices to monitor speeding and for instance driving in the bus lane. The police are responsible for the use and maintenance of traffic control equipment and for dealing with traffic offenses and violations, which are revealed by the equipment (about 600 000 cases in 2019).

The Police Road Safety Centre deals with all cases taken by automatic detection of road traffic offences. The number of personnel in the Centre is about 50.

a) If not, what is the main challenge?

2. How has the detection capacity developed so far, and how do you expect to develop it in future?

It has increased annually and the same trend continues.

3. From your experience, does your vehicle register have up-to-date information that allows another country to easily identify an offender? Have you frequently encountered the problem of out-of-date/incorrect/missing information when making a request in another country?

According to the experience of the Finnish police, the Finnish vehicle register has up-to-date information, but the police is not entirely sure how the information is displayed to the EUCARIS software users. Judging by the way the data is displayed when the police make a request with a foreign vehicle registration plate number, it would guess that people using the EUCARIS software cannot see certain things police can see in the Finnish vehicle register.

For example, if the previous owner has submitted a notification of transfer but the new owner has not registered the change of ownership, the police can see that information in the Finnish vehicle register, but that is most likely not available in EUCARIS. After the Finnish police began sending information letters to Estonia, it have received several messages from Estonian vehicle owners who have provided a copy of the bill of sale and stated that they have sold the vehicle in question and submitted a notification of transfer a long time ago.

Another example is that in the Finnish vehicle register a person can have three different addresses: permanent, temporary and postal. The permanent address is always shown by default, even if it is unknown. In the Finnish register the police can see the other addresses as well (though not with the vehicle registration number, only with the person's social security number), but the police would not be surprised if EUCARIS only shows the default address. There have been several cases where the Estonian address shown in EUCARIS is insufficient and therefore the police have not been able to send an information letter to the person at all. Apart from that, a bit over 3% of all the letters the

police have sent to Estonian addresses found in EUCARIS have been returned because of an incorrect address.

The Finnish police do not remember ever seeing more than one owner and one holder listed in EUCARIS. In the Finnish vehicle register, there are often three or more people and/or legal entities listed as owners/holders of a vehicle. It is possible that EUCARIS might only show two legal entities that are the first owner and the first holder of a vehicle and leave out the natural person who is registered as a secondary holder of the vehicle?

Some vehicle registration numbers do not yield any information from EUCARIS at all. Sometimes the system returns an actual error code which has an explanation, but most often it only says "2: System returned error".

4. From your experience, is the available information that is necessary to proceed with the investigation of a road traffic offence sufficient to follow up with an offender?

As stated in the previous answer, most often the available information is enough to send an information letter. The rest is up to whether the recipient wants to co-operate or not.

5. If there is not enough information to identify an offender by using vehicle register(s), do you use other systems that ensure access to other databases (e.g. RESPER)?

After checking the owner/holder of the vehicle from EUCARIS, the Finnish police check whether they have a Finnish social security number and possibly a Finnish address in the Finnish vehicle register and/or the Finnish Population Information System. If EUCARIS doesn't yield any information with the vehicle registration number, the police check whether it returns a hit in the Finnish police database.

6. What are the main challenges that you encounter when trying to identify the offender and how often do you encounter them?

When it comes to traffic crimes punishable with fines, we can only send an information letter to the owner/holder of the vehicle and hope they decide to co-operate and answer. In order to be notified of the fine, the driver will have to visit a Finnish police station in person (which surprisingly many Estonians do). If the person decides not to co-operate, there is only little to be done. The Finnish police can issue a warrant of apprehension, but that is only a last resort and mostly reserved for the most serious cases. In order to issue a warrant of apprehension, the police need to have some level of certainty that the owner/holder of the vehicle was also the driver. That means that the police need to find a photograph of the suspect from some database and compare it to the photo taken by an automatic traffic surveillance device.

The new Finnish Road Traffic Act entered into force on 1 June 2020. It introduced provisions on the traffic penalty fee, which is used as a sanction for minor traffic offences that used to be crimes punishable by fixed fines. Unlike fixed fines, vehicle-specific traffic penalty fees are administrative penalties in their judicial nature and can be sent directly abroad to the owner/holder of the vehicle. Now, however, the Finnish police are unable to process foreign vehicle registration plates with the traffic penalty fee software. Once the technical issues have been resolved and the necessary documents translated, the main challenge left will be enforcing the payment.

7. Are you aware of any other elements/aspects (besides the potential revision of the CBE Directive) which may affect the vehicle registration process positively or negatively in the future, and if so, in which way?

Finland is not concerned about this.

8. From the experience in your country, how many investigations under follow-up procedures to the CBE Directive carried out by your authorities, or by another Member State have been stopped due to lack of evidence regarding the driver of the offending vehicle?

Unfortunately, we do not have statistics on these kind of cases. Nevertheless, the Finnish police is sure there are many of certain cases.

9. In your view, how would this problem driver develop in the future in case there is no EU action?

It is possible that the situation will deteriorate further.

10. What are the efforts by your authorities related to the procedures (in financial and/or employment terms/full-time equivalent terms)?

11. From the experience in your country, to what extent has the current list of traffic offences included in the CBE Directive helped detect and ultimately reduced the number of offending foreign registered vehicles?

Finland don't have exact data but we suppose it has reduced the number. Now the Finnish police send "CBE announcements" only to the Estonia to the Estonian citizens.

12. From the experience in your country, which are the most important road traffic offences not included in the CBE Directive?

In Finland's view, the list is quite comprehensive already at the moment.

13. How do you expect the number of road traffic offences committed to develop in the future if they are not included in the CBE Directive (increase, remain stable, decrease and by how much?)

14. From the experience in your country, do you apply bilateral or multilateral agreements for the cross-border enforcement of financial penalties?

In Finland, we apply multilateral agreement between Nordic Countries (i.e. Sweden, Norway, Denmark, Iceland and Finland) for the cross-border enforcement of financial penalties.

a) If so, how often and what is their main advantages?

There are approximately 300 cases per year when Finland is the issuing state and approximately 250 cases when Finland is the executing state. According the Nordic Countries agreement inherited moneys are always accounted to the issuing state and process to recognize is more uncomplicated

than the process based Framework Decision 2005/214/JHA. The Nordic Countries agreement does not apply to administrative sanctions as well as the Framework Decision does not apply so there is no essential other advantages.

15. In your country, what are the most frequent grounds for non-recognition and non-execution of a decision on financial penalties for road traffic offences?

The grounds for non-recognition based the Framework Decision 2005/214/JHA are applied not very often. The reason to non-execution is usually practically that the punished person does not any more live in the country and that is why he/she is unknown in Finland.

16. What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) in following up on these cases?

The efforts by the Legal Register Centre are about one person-year to cross-border matters totally.

17. What are the trends in the past years on the numbers of driving disqualifications inflicted for road traffic offences committed by non-resident drivers (i.e. by vehicles registered in a Member State other than the Member State in which the offence took place) that were recognized / executed / enforced in your country?

Suspects of driving licence related offences and violations by nationality

| Year | Operation of a vehicle without a license (Criminal Code) | | | | | Driving licence violation (Driving Licence Act) | | | | |
|------|---|---------|-----------|-----------|-------|--|---------|-----------|-----------|-------|
| | Foreign countries | Finland | Not known | Foreign-% | Total | Foreign countries | Finland | Not known | Foreign-% | Total |
| 2014 | 565 | 3755 | 10 | 13 | 4330 | 40 | 354 | 2 | 10 | 396 |
| 2015 | 512 | 3816 | 17 | 12 | 4345 | 40 | 281 | 4 | 12 | 325 |
| 2016 | 401 | 3843 | 17 | 9 | 4261 | 31 | 313 | 1 | 9 | 345 |
| 2017 | 393 | 3656 | 18 | 10 | 4067 | 43 | 350 | 0 | 11 | 393 |
| 2018 | 396 | 3931 | 7 | 9 | 4334 | 64 | 392 | 2 | 14 | 458 |
| 2019 | 424 | 3822 | 7 | 10 | 4253 | 62 | 313 | 0 | 17 | 375 |

a) What is the percentage of completed cases?

18. What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) in following up on these cases?

19. From the experience in your country, how often is cross-border investigation of road traffic offences and enforcement of sanction for these offences hindered or blocked due to fundamental rights protection issues?

Never.

a) What are the main reasons behind this situation?

20. How do you expect the trend to develop in the future?

21. What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) in following up on these cases?

22. What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) to follow the statistics/data on committed offences?

In our view, they are quite good.

23. Do you think the reports covering these data cause a (disproportionate) administrative burden for the Member State?

No

24. Should Member States provide these data directly e.g. through CARE database, or should these data be collected and provided by another entity (such as EUCARIS Secretariat)?

Finland does not consider this an important issue.

+++

Written comments of Germany regarding the Framework Decision 2005/214/JHA in the context of the revision of Directive (EU) 2015/413

With reference to the discussions in the workshop, Germany wishes to stress that the proceedings under Framework Decision 2005/214/JHA (the FD) work very well in our practical experience - especially in cases related to traffic offences. The majority of the issues discussed in the workshop relate to the investigation of cross-border traffic offenses, but not to the downstream enforcement of sanctions. The FD was specifically designed to cover traffic offences and is open for decision taken by administrative authorities like the German *Ordnungswidrigkeiten*. Any other enforcement cooperation regime would have to solve the same questions already answered in the FD, like scope and grounds for refusal. And any other instrument would face the same obstacles in the investigation of cross-border traffic offenses. It is furthermore not clear why criminal offences with regard to road traffic should have a different standard when it comes to fair trial rights and human rights guarantees than other criminal offences. Germany strongly supports measures to facilitate the investigation of cross-border road traffic offences. On the other hand, two different regimes for the enforcement of criminal and administrative offences, that might also partly cover the same offences will not remove any obstacles in the investigation of traffic offences; therefore, Germany will not support an additional enforcement regime.

With regards to the background document excel sheet we would like to specifically react to the following proposals:

No. 18

Apply Framework Decision 2005/214/JHA to road traffic offences qualified as administrative without any conditionalities related to criminal proceedings.

If the choice is between enlarging the scope of the FD or creating a second – new - instrument for road traffic offenses qualified as administrative and not covered by the FD, we prefer enlarging the scope of the FD as long as these administrative sanctions are of a punitive nature ("Pula Parking") or refer to the traffic offences listed in the CBE Directive. There should not be two legal instruments for the same kind of offences. The FD is an already existing and well-functioning instrument and it is suited for road traffic offences as our experience during the last nine years shows.

However, before modifying the FD, there should be a thorough examination on whether the administrative sanctions for road traffic offences in the different member states are really not covered by the scope of the FD taking into account the Baláž criterias.

No. 19

Reduce the effects of the grounds for non-recognition/execution of decisions under Framework Decisions 2005/214/JHA.

The effects of the grounds for non-recognition/execution of decisions under the FD have been treated in the GD JUST "Questionnaire for competent authorities on the application of Council Framework Decision 2005/214/JHA of February 2005 on the application of the principle of mutual recognition to financial penalties" in 2018.

As stated in 2018, the most common ground for refusal is linked to the scope of the FD: From 2010 to June 2020, Germany has received about 84.000 incoming requests. About 78.000 cases have been closed so far. 29 % of the cases were rejected, 18.3 % were rejected because these cases did not or no longer fall under the scope of the FD (e.g. the person concerned has deceased/moved to another State/to an unknown address/cannot be found). Only about 10 % were rejected for other reasons.

Practice shows that the main obstacles and challenges in cross-border cases regarding road traffic offences do not lie within FD but in the investigation proceedings that precede FD and that lead to a final decision:

- identifying the driver
- service of the decision
- safeguarding the rights of the person to be heard and to appeal the decision and
- translation of the decision.

Problems arising in the investigation proceedings leading to a possible decision need to be examined and tackled in the light of the investigation proceedings. The FD only comes to the scene after a final decision was taken and needs to be enforcement in another member state.

No 21

Digitise the communication between issuing and executing state, and between presumed offender and executing state under Framework Decision 2005/214/JHA.

Germany has initiated the process of creating the five standard forms and therefore has a high interest in encouraging the use of the standard forms. Each form has a precise function as explained in "Explanatory memorandum to the five standardised forms for accompanying the procedure for enforcement of cross-border financial penalties as laid down by Framework Decision 2005/214/JHA." We have been using the standard forms and we have been receiv-

ing them from other member states for a considerable time now, and so far no problems in praxis have occurred. As the forms are standardized, they can be mapped in a similar way as the certificate and then be transferred in xml-structure.

Enhancing the process of digitalization is in fact very important in order to facilitate cooperation based on the FD. There has already been considerable progress: In 2020 the Netherlands sent test cases in xml-structure to Germany via eDelivery. The plan is to send real cases (pilot cases) after the summer break. But digitalisation is not limited to road traffic offences and needs to be seen and enhanced in all cross-border communication and cooperation.

German statement concerning the revision of Directive (EU) 2015/413 - „Expert group workshop meeting“ on 26 June 202

From the German point of view the revision of the directive should include the following core elements:

I. Improve the investigation of road-safety-related traffic offences - driver responsibility

According to the Directive Germany favours to improve the effectiveness of the investigation of road-safety-related traffic offences.

Germany takes responsibility within the context of the Directive to mean exclusively “driver responsibility”. From the German point of view, owner/holder liability is not practicable. In that point we are completely in line with Directive, clarifying the equal treatment of drivers in recital 7 of the Directive. Therefore a “system of cross-border exchange of information should be used for certain identified road-safety-related traffic offences, regardless of their administrative or criminal nature under the law of the Member State concerned, granting the Member State of the offence access to vehicle registration data (VRD) of the Member State of registration.” And recital 8: An efficient “cross-border exchange of VRD, which should facilitate the identification of persons suspected of committing a road-safety-related traffic offence”. In consequence it is correctly determined in the Directive, that “the Member State of the offence shall, under this Directive, use the data obtained in order to establish who is personally liable for road-safety-related traffic offences listed in Article 2 of this Directive.” (Article 4).

Because of that it would be desirable if the cooperation between the Member States is in the way that the officials of the Member State of registration support the officials of the Member State of the offence based on the evidence to identify the person who is personally liable for road traffic offence (the driver).

II. Scope

It is seen as a minimum useful and appropriate measure to extend the scope of offences to include especially dangerous overtaking and the failure to keep a sufficient distance from the vehicle in front. Parking offences which create risks for other road users should also be included and taken into account in a future revision of the Directive. A definition of what specifically constitutes dangerous parking should be included.

Moreover the scope should be extended to all road traffic offences which are detected in an automatic way; that means for all situations when the offender is not stopped by the police after committing the offence. When it comes to the definition of road traffic offences it should be defined according to the understanding of road traffic offences as it is mentioned in the German declaration in the council decision 2015/214/JI (Erklärung DE st05871.de05.)

Besides it would be helpful to include place and date of birth and sex in the information provided upon request in order to allow for better possibilities of investigation.

III. Cross-border-exchange

We support the efforts to find solutions for the technical problems with CBE searches (e.g. structure of the fields, such as address fields) which have been reported by some Member States.

In Germany, the CBE procedure is well established. On the whole, it is functioning smoothly in practice. Since 2015, the number of CBE requests by German authorities via the EUCARIS system to foreign authorities has increased by almost 150 % (2015: 784,114; 2017: 1,938,453). The number of responses to CBE requests by foreign authorities has also increased (2015: 1,155,518; 2017: 1,600,461).

More data up to date can be found in our last report towards the commission on juin 6th.

We welcome it when technical problems, including those of Member States, are reported in a timely manner and resolved quickly.

In our view the technical vehicle via EUCARIS is a well-functioning procedure which needs to be continued (and strengthened).

IV. Reporting by Member States to the Commission

Germany is complying with its reporting obligations under Article 6 of Directive 2015/413/EU (CBE Directive) and sent its report To the Commission at the beginning of May 2020. The report includes both the transmission of the available data as well as an explanatory text, as requested by the Commission. This year we included more data concerning the situation on the prosecution of traffic offences in Germany especially in the case when they were committed with vehicles which are registered in other European countries. So far Germany supports the Commission in demanding the Member States to comply with this obligation.

It has to be mentioned that in Germany the data has to be collected from the German Federal States. There is no central availability of the requested information.



**IMPACT ASSESSMENT SUPPORT STUDY FOR THE REVISION OF THE DIRECTIVE
(EU) 2015/413 – CBE
PROPOSAL OF THE KINGDOM OF SPAIN**

1. INTRODUCTION

Spanish Royal Legislative Decree 6/2015 of 30 October, approving the consolidate text of the Law on Traffic, Circulation of Motor Vehicles and Road Safety, states:

1.1. Liability

According to aforementioned Spanish Traffic Law (article 82. Liable parties):

“Liability for violations of the provisions of this law shall lie directly with the person who carried out the act constituting the violation”.

Spain takes responsibility within the context of the Directive to mean “driver responsibility”. Owner/Holder liability is practicable only for offences arising from failure to comply with the obligation to insure motor vehicles, vehicle technical inspection and vehicle conservation status.

Recital 8 of the Directive states *“An efficient cross-border exchange of VRD, which should facilitate the identification of **persons suspected** of committing a road-safety-related traffic offence”.*

In consequence, when the Police cannot stop the vehicle, Spain always sends to the owner/holder (VRD) an information letter in which we ask who the driver was in the moment the offence was committed. If the owner doesn't answer, we initiate against him/her a new report for “not identification of the driver”, whose fine is the double or the triple from the original.

1.2. Penalty System - Administrative

According to Spanish Traffic Law (Article 74. General provisions)

“Actions or omissions contrary to this law shall be considered administrative offences and shall be sanctioned under the terms of the law”.

Recital 7 of the Directive clarifies the equal treatment of drivers “...regardless of their administrative or criminal nature under the law of the MS concerned...”

1.3. CBE procedure – EUCARIS

The transposition of Directive (EU) 2015/413 of the European Parliament and of the Council, of 11 March, facilitating the cross-border exchange of information on traffic offences regarding road safety (included in the second final provision of Law 35/2015, of 22 September) is included in the Spanish Traffic Law- Chapter 5 *Cross-border exchange of information on road traffic offence (article 97 – 102).*

In Spain, the CBE procedure is well established and functions correctly in practice. We have integrated most EM in our “*penalty software*” but because of the root of different languages we haven't finished yet.

The technical vehicle via EUCARIS is a robust, useful application that works very well.



2. ANALYSIS OF PROBLEMS, DRIVERS AND EFFECTS

2.1. PROBLEM 1: INADEQUATE INVESTIGATION OF ROAD TRAFFIC OFFENCES

2.1.1. Questions: Automated detection of offending vehicle hindered or not possible.

- From the experience in your country, are current human and technical resources sufficient for automatic detection of road traffic offences? **Yes.**
- How has the detection capacity developed so far, and how do you expect to develop it in future?

The artificial vision must be able to give us new possibilities in the future.

- Are current resources (technical and manpower) insufficient to adequately detect offences? **Not**

General Direction of Traffic (DGT) has the following means:

- **10.600 CIVIL GUARD TRAFFIC AGENTS**
 - **5.000 CIVIL GUARD TRAFFIC VEHICLES**
 - **1.312 RADARS (mobile and fixed)**
 - **216 CAMERAS (to control mobile phone and belt)**
 - **12 HELICOPTERS**
 - **11 DRONES**
- Disparity of technical standards and type of evidence accepted between MS (photograph of the front or back of the car). **Not important differences.**
 - Further harmonize the format of Member States' licence plates to improve road traffic offences detection (ANPR): **Harmonisation of MS 'licence plates is not relevant for revision of CBE Directive. ANPR initiatives should be supported.**

There are problems to introduce number, words, comas... in the software so Spain has developed an ID- system to give all Member States the answer without taking account of the way they introduce the data of the Spanish licence plate, we “translate into our ID- language”; because of this, we'd like the rest of the countries do something like this.

2.1.2. Questions: Issues with the registration of the vehicle involved in the offence

- From your experience, does your vehicle register have up-to-date information that allows another country to easily identify an offender? Have you frequently encountered the problem of out-of-date/incorrect/missing information when making a request in another country?

Spanish Vehicle Registry is updated daily.

In 2019, Spain got 5, 88% (not found) and 10.60% (error) responses from other Member States, according to EUCARIS information. We think, it's a very important quantity.

- From your experience, is the available information that is necessary to proceed with the investigation of a road traffic offence sufficient to follow up with an offender? **Not**



- If there is not enough information to identify an offender by using vehicle register(s), do you use other systems that ensure access to other databases (e.g. RESPER)? **Not**
- What are the main challenges that you encounter when trying to identify the offender and how often do you encounter them? **Sometimes the offender's address is not clear enough because of the fields.**
- Are you aware of any other elements/aspects (besides the potential revision of the CBE Directive) which may affect the vehicle registration process positively or negatively in the future, and if so, in which way? **Not**
- Keep the information on previous owner/holder of a vehicle for specific time and provide/disclose it upon request; harmonize deadlines for submission/sending of information letters/penalty notices to non-residents. **Spain keeps this information.**
- Establish minimum mandatory data content of vehicle registers necessary for the investigation of road traffic offences. **Spain suggests to amend the Annex I and Annex II of the CBE Directive.**
- Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented or it is a company vehicle. **We agree only when the vehicle is leased.**
- Include further information in national vehicle register e.g. picture of the vehicle owner/holder, vehicle insurance information, the information on the owners' all other vehicles. **This is not necessary for revision CBE.**

2.1.3. Questions: Information exchanged between MS on the evidence of the offence does not allow the identification of the offender, which causes the investigation to fail.

- From the experience in your country, how many investigations under follow-up procedures to the CBE Directive carried out by your authorities, or by another Member State have been stopped due to lack of evidence regarding the driver of the offending vehicle? **It's impossible to know it.**
- In your view, how would this problem driver develop in the future in case there is no EU action? **It's very important to study and solve "not found and error answers".**
- What are the efforts by your authorities related to the procedures (in financial and/or employment terms/full-time equivalent terms)? **Spain has made an important effort not only financial but also people involved.**
- Link EUCARIS to the Commission HUB IT systems and interoperability solutions in the field of Transport, Justice and Home Affairs (ensure interconnection of various systems and databases such as RESPER, SIS, ESP, eEvidence/eCodex, ID cards, passports etc...)
- Regularly update the CBE Directive and other relevant legislation to keep track with the changing vehicle technology and increasing availability of in- car data.
- Apply "once only principle" for sharing information between administrations (local and central government registers) at national level.

This three questions are not necessary for revision CBE but important to study.

2.1.4. Questions: Issue with limited scope of investigated road traffic offences.

- From the experience in your country, to what extent has the current list of traffic offences included in the CBE Directive helped detect and ultimately reduced the number of offending foreign registered vehicles? **It has been important to reduce speed in Spanish roads.**
- From the experience in your country, which are the most important road traffic offences not included in the CBE Directive?
 - a) **Dangerous parking** (a definition of what specifically constitutes dangerous parking should be included) but we suggest:
 - o Double Park
 - o Hindering circulation.
 - o In cross walk.
 - o Disabled area
 - o Bicycle lane
 - o Public transport area
 - b) **Not respecting the safety distance with the vehicle in front.**
 - c) **Dangerous overtaking** (a definition of what specifically constitutes dangerous overtaking should be included) but we suggest:
 - o In curve
 - o In change of slope
 - o With low visibility
 - o Without enough space
 - d) **Reckless/overbold driving.**
 - e) **Not respecting the signals and orders of traffic control police.**
 - f) **Driving without any kind of licence.**
 - g) **Driving with a licence not valid for that vehicle.**
 - h) **Throwing objects** that could cause fire or accidents, or obstruct free movement on or near the road.
 - i) **Driving in the opposite direction** to the one established
 - j) **Make a U-turn** in a forbidden place.
 - k) Not respecting a continuous longitudinal signal

The scope should be extended to all road traffic offences which could be detected by automatic means.

- How do you expect the number of road traffic offences committed to develop in the future if they are not included in the CBE Directive (increase, remain stable, decrease and by how much?) **Increase**
- Extend the scope of the CBE Directive to other road traffic offences (not road safety related).

It's very important to extend the scope to more road safety offences but difficult respect those which require documents like insurance, technical inspection of vehicles...



2.2. PROBLEM 2: INADEQUATE REGOGNITION OF DECISIONS ON FINANCIAL PENALTIES

It is intended that both physical and legal people cannot avoid paying fines imposed by Member States where they don't usually live or their main hub of activity isn't located and where they lack of heritage. The intention is that offences don't go unpunished as a consequence of internationality.

We suggest introducing a new chapter in the Directive about mutual recognition to financial penalties, of course, according to Decision **2005/214/JHA 24 February** but taking into consideration the following **Judgments**:

A. Judgment of the Court (Grand Chamber) 14 November 2013 - In Case C-60/12

(Police and judicial cooperation in criminal matters – Framework Decision 2005/214/JHA – Application of the principle of mutual recognition to financial penalties – ‘Court having jurisdiction in particular in criminal matters’ –Nature and scope of the review on the part of the court of the Member State of enforcement)

Costs

On those grounds, the Court (Grand Chamber) hereby rules:

1. The term ‘court having jurisdiction in particular in criminal matters’, set out in Article 1(a)(iii) of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, is an autonomous concept of Union law and must be interpreted as covering any court or tribunal which applies a procedure that satisfies the essential characteristics of criminal procedure...

*2. Article 1(a)(iii) of Framework Decision 2005/214, as amended by Framework Decision 2009/299, must be interpreted as meaning that a person is to be regarded as having had the opportunity to have a case tried before a court having jurisdiction in particular in criminal matters in the situation where, prior to bringing his appeal, that person was required to comply with a **pre-litigation administrative procedure**. Such a court must have full jurisdiction to examine the case as regards both the legal assessment and the factual circumstances.*

In Spain when a citizen doesn't agree with the traffic offence can go to Court which are special for administrative matters (Jurisdiccion Contencioso Administrativa -*Administrative Contentious Jurisdiction*) that respects and satisfies the criminal procedure, absolutely.

B. Judgment of the Court (First Chamber) 5 December 2019 - In Case C-671/18

(Reference for a preliminary ruling — Area of freedom, security and justice — Judicial cooperation in criminal matters — Mutual recognition — Financial penalties — Grounds for non-recognition and non-execution — Framework Decision 2005/214/JHA — Decision by an authority of the issuing Member State based on vehicle registration data — Notification of the penalties and the appeal procedures to the person concerned — Right to effective judicial protection)

Costs

On those grounds, the Court (First Chamber) hereby rules:

*1. Article 7(2)(g) and Article 20(3) of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, must be interpreted as meaning that **where a decision requiring payment of a financial penalty has been notified in accordance with the national***

legislation of the issuing Member State, indicating the right to contest the case and the time limit for such a legal remedy, the authority of the Member State of execution may not refuse to recognise and execute that decision provided that the person concerned has had sufficient time to contest that decision, which is for the national court to verify, and the fact that the procedure imposing the financial penalty in question is administrative in nature is not relevant in that regard.

2. *Article 20(3) of Framework Decision 2005/214, as amended by Framework Decision 2009/299 must be interpreted as meaning that the competent authority of the Member State of execution may not refuse to recognise and execute a decision requiring payment of a financial penalty in respect of road traffic offences where such a penalty has been imposed on the person in whose name the vehicle in question is registered on the basis of a presumption of liability laid down in the national legislation of the issuing Member State, provided that that presumption may be rebutted.*

C. **Request for a preliminary ruling lodged on 12 march 2020 - In case C-136/20** (under study right now)

Must the rule laid down in Article 5(1) of Council Framework Decision 2005/214/JHA 1 on the application of the principle of mutual recognition to financial penalties be interpreted as meaning that, where the issuing Member State indicates one of the types of conduct listed in that provision, the authority of the executing Member State has no additional discretion to refuse execution and must execute the [decision imposing the penalty]?

If that question is answered in the negative, can the authority of the executing Member State argue that the conduct indicated in the decision of the issuing Member State does not correspond to the conduct described in the list?

According to **Council Framework Decision 2005/214/JHA of 24 February 2005**, on the application of the principle of mutual recognition to financial penalties (amended by Council Framework Decision 2009/299/JHA of 26 February 2009):

Article 2: Determination of the competent authorities

1. Each Member State shall inform the General Secretariat of the Council which authority or authorities, under its national law, are competent according to this Framework Decision, when that Member State is the issuing State or the executing State.
2. Notwithstanding Article 4, ***each Member State may designate, if it is necessary as a result of the organisation of its internal system, one or more central authorities responsible for the administrative transmission and reception of the decisions and to assist the competent authorities.***

Therefore, direct transmission between competent authorities is the general rule although it's possible to include **several central authorities** because of the difficulties in practise can happen in the moment of identify the competent authority, mainly in relation with the enforcement of administrative sanctions.

We suggest that National Contact Points *could be included* as Central Authorities to “help” the enforcement of million of traffic sanctions.



Article 4: Transmission of decisions and recourse to the central authority

1. A decision, together with a certificate as provided for in this Article, may be transmitted to the competent authorities of a Member State in which the natural or legal person against whom a decision has been passed has property or income, is normally resident or, in the case of a legal person, has its registered seat.

2. The certificate, the standard form for which is given in the Annex, must be signed, and its contents certified as accurate, by the competent authority in the issuing State. (...)

We think this procedure is not tailored for MILLIONS OF TRAFFIC FINES, so we request to study:

- A new automatic procedure based on data exchange technologies.
- A simpler certificate.
- Translation into 28 languages is very expensive and supposes waste of a lot of time.

It's very interesting the CBE Agreement in the Salzburgforum and we think it should be taken in account.

Questions:

- From the experience in your country, do you apply bilateral or multilateral agreements for the cross-border enforcement of financial penalties? **Not**

If so, how often and what is their main advantages?

- In your country, what are the most frequent grounds for non-recognition and non-execution of a decision on financial penalties for road traffic offences? **Most of the Spanish traffic offences are under administrative Law.**
- Allow administrative and criminal justice practitioner's real-time access to vehicle registers to speed-up proceedings. **This is not necessary for revision CBE**
- Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle. **This is not necessary for revision CBE**
- Ensure that all offences under the CBE Directive fall under criminal law to establish uniform follow-up. **This is not necessary for revision CBE.**
- Establish mechanism for obligatory sharing information under follow-up procedures to the CBE Directive in investigation, in order to facilitate tracking down presumed offender and the provision of additional evidence (use the MLA Convention and the EIO for cross-border investigation of road traffic offences). Digitise the procedures, as appropriate. **Interesting**
- Apply Framework Decision 2005/214/JHA to road traffic offences qualified as administrative without any conditionality's related to criminal proceedings.
- Reduce the effects of the grounds for non-recognition/execution of decisions under Framework Decisions 2005/214/JHA.
- Motivate MS to use of the procedures under Framework Decision 2005/214/JHA.
- Digitise the communication between issuing and executing state, and between presumed offender and executing state under Framework Decision 2005/214/JHA. **Interesting**

As we have said before, we request to include a new Chapter in Directive CBE, about Enforcement.



2.3. PROBLEM 3: INADEQUATE CROSS-BORDER ENFORCEMENT OF DRIVING DISQUALIFICATIONS

Questions:

- What are the trends in the past years on the numbers of driving disqualifications inflicted for road traffic offences committed by non-resident drivers (i.e. by vehicles registered in a Member State other than the Member State in which the offence took place) that were recognized / executed / enforced in your country?

What is the percentage of completed cases?

During the period 2018-2019, about 44.627 offences with a withdrawal of points were committed by vehicles registered in others ME. These offences involve the 13% of the total offences committed in Spain for the CBE Directive infringements. In Spain, a demerit point system is applied as a basis for a withdrawal disqualification in administrative proceedings, but withdrawal of points cannot be carried out due to lack of mutual recognition. Consequently, since the loss of validity from point exhaustion cannot be applied to non-resident offenders, no driving disqualification in the administrative proceedings has been imposed to any non-resident offender.

On the other hand, with regard to criminal driving disqualifications (involving a suspension of the right to drive or a driving disqualification) in the same period 2018-2019, there were approximately 5.849 driving disqualifications to non-resident offenders (including those from third countries), almost 7% of the total 83.606 criminal sentences imposed.

- What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) in following up on these cases?

It is planned to develop the implementation of a Register of Non-Resident Drivers to include those offenders who have a driving license issued by another country, aimed to control the criminal driving disqualification compliance and apply in the future the demerit point system to all offenders, regardless of the country of issue of the driving license or the country of residence of the offender (Principle of non-discrimination in the application of law)

Spain advocates for a system of indirect cross-border enforcement of driving license withdrawals, ensuring that driving disqualifications for road traffic offences committed by foreign vehicles/non-residents be executed by the Member State which issued the driving license of presumed offender or in which the offender has normal residence (Establishing EU rules for indirect recognition of driving disqualifications) Since the different MSs have different rules on the driving license withdrawal, an agreement would have to be reached, either on the basis of the legal framework of CBE Directive or Driving license Directive, to lay down a number of rules enabling such withdrawal to be implemented throughout the territory of the European Union.

2.4. PROBLEMA 4: DIFFERENT LEVELS OF FUNDAMENTAL RIGHTS PROTECTION

Questions:

- From the experience in your country, how often is cross-border investigation of road traffic offences and enforcement of sanction for these offences hindered or blocked due to fundamental rights protection issues? **The most important problem is the language of the letter information and rest of documents.**

- How do you expect the trend to develop in the future? **We are optimist**
- What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) in following up on these cases? Spain always sends the information letter in the language of VRD.

It's necessary all documents be translated into the language of the VRD, not only the information letter but also the rest of the documents included in the administrative or criminal process.

Also it's very important to detail the offenders the process in an easy translation so they will be able to decide if they pay or not, appeal, where to ask for information, phone...etc

All letters information and rest of documents must wear a clear identification of the Organization of the Member State that sends the letter, for instance sign of the civil servant, stamped document...

2.5. PROBLEM 5: FURTHER ISSUES

Questions:

- What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) to follow the statistics/data on committed offences?
Each month DGT receives a statistic-report from other Department of Ministry of Interior that creates this report from Eucaris.
- Do you think the reports covering these data cause a (disproportionate) administrative burden for the Member State? **Spain doesn't have any problem about European Comission obtains the data from EUCARIS and of course we collaborate with the Commission in this subject.**

3. CONCLUSIONS

- ✓ **The scope of the Directive should be extended.**
- ✓ **Financial penalties should be executed easily across borders through digital communication between the competent authorities using Technical solutions for secure online cross-border communication.**
- ✓ **Sending relevant statistical reports regularly to the Commission.**
- ✓ **System of indirect cross-border enforcement of driving license withdrawals**

Madrid (Spain), July 9th 2020



SE experts replies and comments to the CBE background papers

1. From the experience in your country, are current human and technical resources sufficient for automatic detection of road traffic offences?

Yes.

a) If not, what is the main challenge?

The challenge is to determine the identity of the driver, since Sweden applies driver liability.

2. How has the detection capacity developed so far, and how do you expect to develop it in future?

Not relevant in relation to the Swedish CBE problem.

3. From your experience, does your vehicle register have up-to-date information that allows another country to easily identify an offender?

Yes, the Swedish Transport Agency has up-to-date information on owners/holders of vehicles if this is what is required to identify an offender.

Have you frequently encountered the problem of out-of-date/incorrect/missing information when making a request in another country?

Sweden doesn't use CBE for requests.

4. From your experience, is the available information that is necessary to proceed with the investigation of a road traffic offence sufficient to follow up with an offender?

No. Since Sweden applies driver liability it is necessary to identify the driver. Only automatic traffic camera footage is not sufficient to determine the identity of the driver without access to footage from for example driving license registers. There is no subsidiary owner/holder liability or other possibilities to request the owner/holder to identify the driver. In addition, the summary process for imposition of fines cannot be used across borders if an offender has left the country without accepting the fine. The CBE directive doesn't provide any tools for this and existing legal instruments for judicial cooperation in criminal matters (a European Investigation Order or an MLA-request) are not used for this kind of investigation for reasons of process economy. The Salzburg agreement seems to contain several useful tools, but it is essentially designed by and for the participating MS. For the sake of efficiency tools should be included in EU-legislation, which would need the appropriate legal basis.

5. If there is not enough information to identify an offender by using vehicle register(s), do you use other systems that ensure access to other databases (e.g. RESPER)?

On the national level we are currently working towards giving the Swedish police access to information from other MS driving license registers via RESPER in accordance with article 15 of the Driving License Directive. However, since photographs are not included in the RESPER exchange it will not help Swedish CBE investigation/enforcement.

On the EU level the proposal for a revised Prüm legislation might include the exchange of facial images. It might also include driving license information for the purpose of crime prevention and investigation.

6. What are the main challenges that you encounter when trying to identify the offender and how often do you encounter them?

See above.

7. Are you aware of any other elements/aspects (besides the potential revision of the CBE Directive) which may affect the vehicle registration process positively or negatively in the future, and if so, in which way?

The process of vehicle registration is not part of CBE

8. From the experience in your country, how many investigations under follow-up procedures to the CBE Directive carried out by your authorities, or by another Member State have been stopped due to lack of evidence regarding the driver of the offending vehicle?

Sweden doesn't use CBE for requests but replies to requests from other MS.

9. In your view, how would this problem driver develop in the future in case there is no EU action?

N/a.

10. What are the efforts by your authorities related to the procedures (in financial and/or employment terms/full-time equivalent terms)?

N/a.

11. From the experience in your country, to what extent has the current list of traffic offences included in the CBE Directive helped detect and ultimately reduced the number of offending foreign registered vehicles?

As Sweden applies strict driver liability the CBE Directive has not been useful for detecting and reducing the number of traffic offences committed by drivers of foreign registered vehicles.

12. From the experience in your country, which are the most important road traffic offences not included in the CBE Directive?

N/a.

13. How do you expect the number of road traffic offences committed to develop in the future if they are not included in the CBE Directive (increase, remain stable, decrease and by how much?)

The number of offences by drivers of foreign (extra Nordic) registered vehicles has been fairly stable over recent years.

14. From the experience in your country, do you apply bilateral or multilateral agreements for the cross-border enforcement of financial penalties? If so, how often and what is their main advantages?

Between MS the Framework decision 2005/214/JHA is used.

15. In your country, what are the most frequent grounds for non-recognition and non-execution of a decision on financial penalties for road traffic offences?

That the debtors address can't be found in Sweden is the most common ground. Apart from that it is also common that the form, in different ways, is incomplete.

16. What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) in following up on these cases?

The debtor is investigated and if such an investigation shows that the debtor has no assets, no further attempt to enforce cases will be done for a maximum of two years, unless information of new assets is brought to the authorities attention. Any case transferred from another MS will be handled in the same way as a domestic case. The same rules for enforcement apply and the same amount of effort is exerted with regard to all valid cases against that debtor.

17. What are the trends in the past years on the numbers of driving disqualifications inflicted for road traffic offences committed by non-resident drivers (i.e. by vehicles registered in a Member State other than the Member State in which the offence took place) that were recognized / executed / enforced in your country?

The Swedish Transport Agency is unable to provide any relevant and reliable statistics in this specific area for different reasons:

1. Resident/non-residents – A person can have a foreign DL but is still a resident of Sweden, or the person may be a visitor to Sweden.
2. There is no connection between the owner of a vehicle (where the vehicle is registered) and the driving license.
3. One road offence may not result in driving disqualification. If there are reoccurring offences it may result in a driving disqualification.

a) what is the percentage of completed cases?

See above.

18. What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) in following up on these cases?

See above.

19. From the experience in your country, how often is cross-border investigation of road traffic offences and enforcement of sanction for these offences hindered or blocked due to fundamental rights protection issues?

N/a.

a) What are the main reasons behind this situation?

N/a.

20. How do you expect the trend to develop in the future?

N/a.

21. What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) in following up on these cases?

N/a.

22. What are the efforts by your authorities (in financial and/or employment terms/full-time equivalent terms) to follow the statistics/data on committed offences?

N/a.

23. Do you think the reports covering these data cause a (disproportionate) administrative burden for the Member State?

N/a.

24. Should Member States provide these data directly e.g. through CARE database, or should these data be collected and provided by another entity (such as EUCARIS Secretariat)?

Demands for statistics should be defined, "built-in" and automated to the greatest extent possible from start, depending on cost/benefit and added value reasoning.

3.3 General questions

The participants of the Expert Group meeting are invited to comment on:

- In your opinion, do you consider the list as complete, or are there additional measures that should be included?

No proposals at this stage, however, we have always wondered how the "driving under the influence" offences included today could possibly be enforced through CBE. They require physical intervention by a police officer for testing, whereby an unidentified, foreign offender would, as a rule, be arrested until his identity is established.

- Do you consider the proposed policy measures as appropriate? Are there measures which in your view are irrelevant, inefficient, or out of scope of the CBE Directive (and thus should be discarded)?

- What is the reasoning?

Time has been far too short to consider all the measures in depth, but as a preliminary consideration we would agree with most of the comments made by the AT experts in advance of the meeting. Many of the proposed measures are indeed not relevant to the revision of CBE, especially not if it will be based solely on the present legal basis. Measures 12 – 14 are indeed controversial and open questions about harmonisation of criminal and criminal procedure legislation.

The tools needed for enforcement of offences committed in Sweden would have to be based on legislation relating to police and judicial cooperation. They need to be efficient and acceptable from business process and process economy points of view.

- Do you agree with the initial assessment on the possible level of impact of measures that should be retained, in your view?

See above.

- Do you think there are measures for which priority should be given, or which would have the highest impact with least effort (low hanging fruits)?

None that would make it possible for Sweden to use the directive.

Dear Sir,

I refer to your message, dated 6th July, 2020, on the workshop concerning the possible revision of the CBE Directive (26 June 2020) and I would like to submit you the following views/comments on the whole matter:

The problem in Cyprus is the fact that traffic offences which are included in the legislation on Extrajudicial Regulation of Offences cannot be regarded as administrative offences. If an offender does not settle his or her fine within fifteen days from the date it is imposed, it is going to increase by an amount equal to half the amount of the fine.

In this case, the fine can be settled within the next fifteen days (within thirty days from the date the warning was issued). It is important to note that if the fine is not settled within a thirty-day period from the date the warning was issued, its payment at a later date will not be accepted and the offender will be prosecuted.

Of course, the above period will not be strictly taken into consideration as regards the implementation of the CBE Directive. My fear is that the framework

Decision 2005/2014 JHA, on the mutual recognition of financial penalties, will not help us with the follow up of the CBE Directive because even if it is amended, the traffic offences are not considered as administrative, since the offender has the legal right to appear before the court, by not accepting the charge and the fine in order to defend himself or herself.

I believe that the follow up of the CBE Directive must be a matter of further discussion and my opinion is that similar problems will be created for other countries having such provisions in their own national legislation. I mean provisions for the appearance of the offender before the court.

I remain at your disposal for any further discussion or questions, you may have and it would be highly appreciated if you have any comments or observations that may lead to the solving of the problem or that may be used as a base to solve the problem in the future. May be some other measures have to be taken, such as the confiscation of an amount (guarantee) in order for the police to secure the appearance of the offender before the court.

Thank you for your valuable co – operation.

Best Regards,

Tasos Ashikkis
Cyprus Police

| # | Policy measure |
|----|---|
| 1 | Increase funding to police authorities to improve cross-border enforcement of road traffic rules |
| 1b | Promote instalation of automatic and use of mobile detection equipment. |
| 2 | Analyse state of play of evidence collection on road traffic offences in Member States and, if appropriate, propose harmonized technical standards and specifications, and methods of use, for detection equipment. |
| 3 | Further harmonize the format of Member States' licence plates to improve road traffic offences detection (ANPR) |
| 4 | Keep the information on previous owner/holder of a vehicle for specific time and provide/disclose it upon request; harmonize deadlines for submission/sending of information letters/penalty notices to non-residents |
| 5 | Establish minimum mandatory data content of vehicle registers necessary for the investigation of road traffic offences. |
| 6 | Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle. |
| 7 | Include further information in national vehicle registers e.g. the picture of the vehicle owner/holder , vehicle insurance information, the information on the owners' all other vehicles. |

8 Link EUCARIS CBE to the Commission HUB IT systems and interoperability solutions in the field of Transport, Justice and Home Affairs (ensure interconnection of various systems and databases such as RESPER, SIS, ESP, eEvidence/eCodex, ID cards, passports etc.).

9 Regularly update the CBE Directive and other relevant legislation to keep track with the changing vehicle technology and increasing availability of in-car data.

10 Apply "Once only principle" for sharing information between administrations (local and central government registers) at national level.

11 Allow administrative and criminal justice practitioners real-time access to vehicle registers to speed-up proceedings.

12 Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle.

13 Ensure that all offences under the CBE Directive fall under criminal law to establish uniform follow-up.

14 Establish mechanism for obligatory sharing information under follow-up procedures to the CBE Directive in investigation, in order to facilitate tracking down presumed offenders and the provision of additional evidence (use the MLA Convention and the EIO for cross-border investigation of road traffic offences). Digitise the procedures, as appropriate.

15 Extend the scope of the CBE Directive to other road safety related offences.

16 Extend the scope of the CBE Directive to other road traffic offences (not road safety related)

17 Improve "active" investigation of road traffic offences

18 Apply Framework Decision 2005/214/JHA to road traffic offences qualified as administrative without any conditionalities related to criminal proceedings.

19 Reduce the effects of the grounds for non-recognition/execution of decisions under Framework Decisions 2005/214/JHA.

20 Motivate Member States to use of the procedures under Framework Decision 2005/214/JHA.

21 Digitise the communication between issuing and executing state, and between presumed offender and executing state under Framework Decision 2005/214/JHA.

22 Establish clear rules to prevent driving licence "tourism".

23 Establish harmonized EU rules for driving disqualifications

24 Establishing EU rules for direct recognition of driving disqualifications

25 Establishing EU rules for indirect recognition of driving disqualifications

26 Establish mandatory minimum requirements for the information on the evidence, applicable appeal procedures and payment of financial penalties to be shared with presumed offender

27 Ensure authenticity of the information letter (penalty notice)

28 Ensure consistent and seamless language regime in the follow-up procedures to the CBE Directive

29 Ensure that the information exchange under the CBE Directive complies with GDPR and LED

30 Ensure mandatory provision of the information by Member States on the number of (registered) offences committed by residents and non-residents and on the number of successfully enforced sanctions in cross-border cases.

Comments AUSTRIA

Scope: possible
no priority for AT
result possible

not relevant for Revision of CBE-Dir.

SALZBURG CBE COOPERATION works on the basis of the principle of mutual trust which is based on the existing EU legal frameworks (MLA, EIO, FWD)

harmonisation of MS' licence plates not relevant for Revision of CBE-Dir.

Existing ANPR initiatives (i.e. F, NL) should be supported on resp. raised to EU level

Only "keep the information on previous owner/holder [...]" is relevant for Revision of CBE-Dir.

We agree with the comment: Amendment of Annex 1 of the CBE Directive is necessary.

Only "Exchange the information on the final keeper of the vehicle in the case where the vehicle is **LEASED**" is relevant for Revision of CBE-Dir. -- NOT user of rental companies or car sharing users.

not relevant for Revision of CBE-Dir.

Not relevant for CBE-enforcement from a practical CBE perspective.
This measure(s) seem way beyond the possible scope of a revised CBE-Dir.
(irrelevant, inefficient and out of scope of the CBE Directive).

Irrelevant and out of scope of the Revision of the CBE Directive

Irrelevant and out of scope of the Revision of the CBE Directive

This "measure" - and also the "comment" - seem to reflect
(1) a certain misunderstanding of the existing CBE Dir. and also the FWD 2005/214/JHA and
(2) legal problems/issues to be solved on the national level of certain MS - but not on the EU level.
All this also seen from the practical experience of the digitised SALZBURG CBE COOPERATION between Austria, Hungary, Bulgaria and Croatia in this field.

Note: SALZBURG CBE COOPERATION offers administrative and criminal justice practitioners the possibility to send the following CBE relevant requests for mutual legal assistance (MLA) in a digitised way:

- (A) MLA for identification of the driver (Article 4)
- (B) MLA for sending and service of CBE-documents (Article 5)
- (C) MLA for identification of addresses of relevant persons (holder, driver, witness) (Article 5 para 4)
- (D) MLA for Cross-border Execution of CBE-decisions (Article 6)

=> see also SALZBURG CBE COOPERATION fact sheet

Both proposals sound interesting, being questionable whether these controversial proposals will "accelerate" the legislation process.

Based on many years of practical CBE Enforcement in Austria we can not see an added value in this proposed measure, while at the same time opening huge legal and institutional questions in all MS.

To our surprise the tailor made CBE follow-up initiative of the digitised SALZBURG CBE COOPERATION is not even mentioned in the present documents, although being the only existing and operational CBE initiative/mechanism at the moment.

In more detail:

Salzburg CBE Cooperation offers administrative and criminal justice practitioners the possibility to send the following CBE relevant requests for mutual legal assistance (MLA) in a digitised way:

(A) MLA for identification of the driver (Article 4)

(B) MLA for sending and service of CBE-documents (Article 5)

(C) MLA for identification of addresses of relevant persons (holder, driver, witness) (Article 5 para 4)

(D) MLA for Cross-border Execution of CBE-decisions (Article 6)

See also the FACT SHEET on SALZBURG CBE COOPERATION in the e-mail.

We support a rather extensive extension of the scope in the Revision of the CBE-Dir. to ALL kinds of other road related offences, not being limited to "technical capabilities of automatic detection".

Note: Also the existing CBE Dir. is not linked to "technical capabilities of automatic detection".

We support a rather extensive extension of the scope in the Revision of the CBE-Dir. to ALL kinds of other road related offences.

Also the existing CBE Dir. applies explicitly to different kinds of jurisdictions, depending on the - very different - national legal CBE follow-up frameworks for the 8 types of offences set out by the CBE Directive.

This measure is not necessary.

Despite certain dissenting legal opinions, already the existing CBE-Dir. is mandatory in its scope, in other words, the EUCARIS-CBE-mechanism has to be applied for all CBE offences.

The wording of the proposed measure (just as some others) is not very easy to understand!

The proposed measure relates to the FWD and can only be achieved by an amendment thereof.

The reason for this measure is not explained and seems not clear.

Based on our practical experience of the digitised SALZBURG CBE COOPERATION between Austria, Hungary, Bulgaria and Croatia in this field - and especially with the digitised cross-border execution according to the FWD - we can not share this point of view for CBE cases.

In the SALZBURG CBE COOPERATION the cross-border execution of CBE offences works very well.

(Also) This proposal doesn't seem to be very elaborate.

Most parts of the "proposal" are already covered by the FWD in a very differentiated way and offer a wide range of different solutions.

According to our experience during the last years many MS more and more apply the FWD, mainly for CBE offences.

All these allegedly "complicated" procedures under Framework Decision are already implemented in a digitised way in the SALZBURG CBE COOPERATION.

For more details see in measure ...

We refer to our staments above on the digitised SALZBURG CBE COOPERATION, which already includes a mechanism for the cross-border execution of CBE-decisions, including a communication channel between the issuing and the executing authorities using national contact points. The communication between the presumed offender and the executing state is not covered by the Framework Decision 2005/214/JHA, but is always a matter and obligation of national legal frameworks.

Not relevant for the Revision of the CBE Dir.

Not relevant for the Revision of the CBE Dir.

Not relevant for the Revision of the CBE Dir.

Not relevant for the Revision of the CBE Dir.

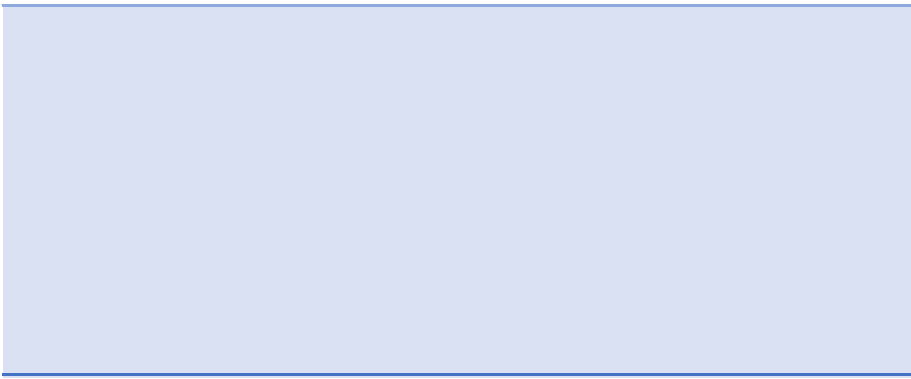
The already existing CBE-Dir. Art 5 sets out enough mandatory minimum requirements for the information on the evidence, applicable appeal procedures and payment of financial penalties.

It is up to each MS to provide these data, as well as others such as the translation etc.

According to our CBE experience this point is relevant, being questionable whether it is adequate to solve this problem on EU-level resp. in the Revision of the CBE Dir.

What would be the concrete proposal?

Following the principle of subsidiarity this issue is being resp. should rather be solved on the level of each MS.



Root cause addressed

a. Current resources (technical and manpower) insufficient to adequately detect offences

a. Current resources (technical and manpower) insufficient to adequately detect offences

b. Disparity of technical standards and type of evidence accepted between Member States (e.g. photograph of the front or back of the car)

b. Disparity of technical standards and type of evidence accepted between Member States (e.g. photograph of the front or back of the car)

c. Different or erroneous content of vehicle registers across Member States

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c. Different or erroneous content of vehicle registers across Member States

d. Use of databases other than vehicle registers to correct or complement the data on vehicle owners/holders or to help identify the offender (driver) is not allowed

e. IT problems at national level (e.g. central vehicle register and regional registers are not properly interconnected or compatible)

e. IT problems at national level (e.g. central vehicle register and regional registers are not properly interconnected or compatible)

f. Member States have different legal liability regimes, traffic rules and sanction schemes

n. Different liability regimes among MS lead to insufficient/no evidence provided on presumed offender (e.g. MS with vehicle owner/holder liability are not able to provide additional evidence on the offender's identity required by MS with driver liability)

f. Member States have different legal liability regimes, traffic rules and sanction schemes

g. Limited recourse to the MLA Convention and EIO by the Member States for cooperation in the follow-up procedure

h. CBE Directive covers limited number of road traffic offences

h. CBE Directive covers limited number of road traffic offences

h. CBE Directive covers limited number of road traffic offences

i. In the cases when road traffic offences are qualified as administrative offences they are not fully covered by mutual recognition procedures

j. The EU legal Framework (Framework Decision 2005/214/JHA) includes extensive grounds for non-recognition/non-execution, providing many exemptions to not mutually recognise decisions

k. Complex recovery procedures combined with possible low value of fines may deter Member States from pursuing the offence

k. Complex recovery procedures combined with possible low value of fines may deter Member States from pursuing the offence

l. Convention on driving disqualifications did not enter into force (e.g. uncertainty causing less follow-up)

m. Member States have different rules on driving disqualifications (e.g. some MS use demerit points systems)

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m. Member States have different rules on driving disqualifications (e.g. some MS use demerit points systems)

p. Inadequate information provided to the presumed offender on the offence and on the procedure to be followed

p. Inadequate information provided to the presumed offender on the offence and on the procedure to be followed

p. Inadequate information provided to the presumed offender on the offence and on the procedure to be followed

q. New EU data protection rules entered into force since the adoption of the CBE Directive

r. legal and administrative obstacles in MS to collecting the information on the number of (registered) offences committed by residents and non-residents and on the number of successfully enforced sanctions in cross-border cases?

?

Description of measure

Establish legal basis in the CBE Directive to allow granting/co-financing police cross-border enforcement activities. Propose earmarking of revenues from financial penalties to enforcement of road traffic/transport rules (or road safety).

Use existing EU funding tools (CEF, DG REGIO structural funds/operational programmes) to promote procurement and deployment of automatic and mobile equipment for road traffic offences detection. This measure is a part of measure 1.

Make an overview of the evidence accepted in courts and related procedures that would help to identify at a country-by-country basis what evidence is needed and whether harmonized standards and specifications, and methods of use, for detection equipment are needed. There is a link with measures 12 and 14.

Establish additional elements which would help to distinguish between Member States' vehicle number plates, beyond Council Regulation (EC) No 2411/98.

Set up a time period for obligatory keeping the information on the previous owner/holder of a vehicle in national register (specification of personal data storage/retention), and a deadline for submission/sending information letter/penalty notice to non-residents. The shorter is the deadline, the better is the educative effect of sanction.

Specify mandatory data to be exchanged. Extend the information exchange to vehicle categories, because trucks and buses are equipped with speed limitation devices (they cannot exceed certain speed limits regardless of posted speed limit). Take into account recommendations of DAPIX Focus Group VRD (Next PRÜM Generation).

If possible, share the Information on the vehicle final user/keeper.

Further harmonization of the data content of vehicle registers, beyond Directive 99/37/EC as amended later. Take into account recommendations of DAPIX Focus Group VRD (Next PRÜM Generation). There is a link with measure 8.

Amend Article 4 of the CBE Directive to allow using other databases for the investigation of road traffic offences (especially RESPER where additional data on drivers can be found). Take into account recommendations of DAPIX Focus Group VRD (Next PRÜM Generation).

Establish a mechanism for monitoring vehicle technology development where more and more information is collected by car (e.g. information on speed can be recorded by the car itself - EDR). This would be particularly important in long term, when automated/autonomous enforcement of road traffic rules becomes a reality. There is a link with measure 3.

Ensure interconnection of all vehicle registers within a Member State to share information. Even if the systems are decentralised, the information should be easy to retrieve from any register.

Connect (future) e-CODEX with EUCARIS. There is a link with measure 19.

Establish specific vehicle owner/holder liability regime to facilitate the identification of an offender. Distinguish between natural and legal persons. Alternative measure could be to add to the offences a “non-cooperation/identification offence”. However, it could be problematic to include in revised CBE Directive the obligation for presumed offender to identify the driver, because “non-cooperation/identification offence” would be completely different from road traffic or vehicle related offences and there might be serious conflicts with constitutional rights in some Member States. Moreover, this offence need not to be considered as an offence committed abroad. Administrative or judicial decisions related to such offence can be refused to be recognised according to Article 7 (2d) of Framework Decision 2005/214/JHA.

Currently, some offences under the CBE Directive are qualified as criminal, while others as administrative. As a result, the offences are treated differently. To minimise the differences, all offences should be qualified as criminal (EU legal framework for enforcement is based on criminal law).

Member States should provide requested information, even if this information is not needed under their own legal procedures. Indicate in the revised CBE Directive, which elements of the MLA Convention and the EIO can be used or are relevant for cross-border investigation of road traffic offences under follow-up procedures to the CBE Directive and how the application of these elements can be digitised (e.g. use of e-CODEX project and the Commission eDelivery network solutions). Promote the advantages of these legal acts and provide guidance on how the tools could be used (workshops, conferences, trainings). In practice, it would mean to use Article 5 of MLA to find the address of presumed offender, which could be complemented by more detailed procedures. For the cooperation in providing additional evidence (normally the picture of presumed offender or the vehicle owner/holder retrieved from other databases such as ID cards or passports), two options are possible depending on what would be Member States' request. First option would be that a request issuing Member State only ask for a picture of presumed offender (normally the vehicle owner/holder) and the investigation will be executed by this Member State. In such case, the EIO application would not be necessary (police-to-police cooperation). Second option would be that a request issuing Member State ask another Member State to execute the investigation i.e. to retrieve the picture of presumed offender, compare it with the picture already provided by the issuing Member States and deliver judicial or administrative decision on the result of the investigation. In such case, the EIO may apply. Nevertheless, the investigation may turn to be extremely complicated or even not feasible, if the pictures do not match. There is a link with measures 7, 8, 12 and 13.

These offences have been already indicated by stakeholders to be included to the scope: not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing white lane, not respecting forbidden access, driving in wrong way or emergency lane. It seems to be appropriate that the Commission issue a delegated act which would precisely define each road safety related traffic offence.

These offences have been already indicated by stakeholders to be included to the scope: overloaded vehicle, parking offences in general/violation of stationary traffic rules, violation of urban vehicle access regulations, non-payment of vehicle insurance. It seems to be appropriate that the Commission issue a delegated act which would precisely define each road traffic offence.

Make the use of EUCARIS (or any other equivalent system - depending on Member States decision) obligatory also for "active" investigation of road traffic offences under the scope of the CBE Directive i.e. for outgoing searches (outbound requests).

Remove the obstacle where a decision cannot be recognised if the competence to impose a financial penalty in the State in which road traffic offence was committed is entrusted upon a judicial or administrative authority which is not required to respect the procedural standards under criminal matters as foreseen under EU law. There is a link with measure 13.

Establish uniform procedural deadlines for enforcement/execution of financial penalties. Apply European Arrest Warrant in the case of insolvency of the offender who has no assets. There is a link with measure 4.

Remove the threshold for financial penalties and establish fair accrual of monies from fines between issuing and executing Member State (specific distribution keys could be established according to the incurred costs or just fifty-fifty accrual could be applied). The competent authority of the executing state has to give the sentenced person the opportunity to pay the issuing state before continuing with the proceedings under the Framework Decision. Make the application of the procedures under the Framework Decision obligatory to debt collecting/recovery companies i.e. these companies will have to respect the procedures.

To speed up the procedures, ensure obligatory electronic exchange of 5 standardized forms for cross-border enforcement of financial penalties (the question is whether the number of forms could not be further reduced) and enable presumed offenders to submit documents electronically (e.g. use e-CODEX project and the Commission eDelivery network solutions). Ensure mandatory establishment of one central authority responsible for administrative transmission and reception of the decisions, coordination at national level (communication with relevant local courts) and for assisting competent authorities of other Member States.

Make sure that disqualified drivers (both residents and non-residents) in one Member State will not obtain a new driving licence or renew the existing driving licence in another Member State. Ensure that the disqualifications especially granted to non-residents are recognised at EU level (i.e. by all Member States) to avoid the situation that a disqualified driver in one Member State can drive in another Member State. Precisely define the types of disqualifications in the EU; distinguish between disqualification applied to residents and non-residents. Establish rules for electronic driving licences, which would help to apply the above principles/rules.

Clarify when (for what road traffic offences) the uniform disqualifications can be applied EU level and how. If necessary, harmonize road traffic rules and establish uniform system for EU demerit/penalty point system.

Ensure that driving disqualifications for road traffic offences committed by foreign vehicles/non-residents be executed by the Member State in which the road traffic offence took place.

Ensure that driving disqualifications for road traffic offences committed by foreign vehicles/non-residents be executed by the Member State which issued the driving license of presumed offender or in which the offender has normal residence.

Extend the obligatory content of the information letter as laid down in Article 5(2) of the CBE Directive to explanation on applicable appeal procedure (foreigners/non-residents are normally not familiar with different legal systems applied by Member States - a soft alternative could be that the Commission provide the information on applicable appeal procedures on its web to inform road users, following the Member States' information). Make it obligatory to provide the information letter with the evidence of the offence, or at least provide the evidence upon the request of presumed offender. Enable presumed offenders to submit documents electronically (e.g. use e-CODEX project and the Commission eDelivery network solutions). Ensure that Member States give sufficient time to presumed offenders to appeal that is very important for foreigners/non-residents who quite often receive the information letter later than nationals/residents. Establish the obligation to provide, in the information letter, IBAN account number where financial penalty can be paid. Ensure equal treatment of resident and non-resident offenders regarding application of lower penalties if paid off within shorter deadlines (non-residents normally get the information letter later than residents and they may have to pay higher penalties). There is a link with measure 19.

Establish protective elements which will help to indicate to presumed offenders whether the information letter is authentic (and not a fraudulent activity).

Remove legal gaps concerning language regime and clarify the use of languages in the procedures under the investigation of road traffic offences and enforcement of sanctions for these offences. Ensure that language regime is clearly defined not only in the case of where a national authority communicates with a citizen/presumed offender, but also in the case where a citizen/presumed offender communicates with a national authority. Clarify the meaning and use of an official language. There is a link with measures 19 and 26.

Specify how the mixed regime of personal data protection under GDPR and LED will be applied. In the CBE Directive, replace reference to PRÜM Decisions by the reference to LED. Consider replacing of Article 7(3) of the CBE Directive by Article 9(3) of LED. Establish rules on personal data storage in "clouds" (consider the idea of European cloud hosting service that would ensure storage of sensitive information with trusted hosts). Take into account recommendations of DAPIX Focus Group VRD (Next PRÜM Generation), especially as regards "Multiple vehicle inquiries/Single search facility" and "Wildcards" and consider personal data pseudonymisation. There is a link with measure 4.

Provide the following information which is considered as necessary for evaluating the efficiency and effectiveness of the Directive and its impact on the number of road fatalities and serious injuries:

- the number of (registered) offences under the scope of the Directive, which are detected automatically or without the identification of the offender on the spot and committed by vehicles registered in another Member State/non-residents,
 - the number of successful outgoing searches/requests,
 - the total number of (registered) offences committed by residents and non-residents,
 - the % of successfully enforced sanctions in cross-border cases.
-
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Comments

According to the Commission internal rules, it is not possible to allocate grants without a legal basis.

Due to budget constraints the number of equipment (e.g. speed cameras) to detect road traffic offences is very low/missing in some regions/Member States. Nevertheless, overall increase of detection of road traffic offences will not necessarily increase the efficiency of CBE Directive

Evaluation of the application of the CBE Directive did not suggest to establish uniform standards/specifications and methods for (automatic) detection equipment. However, harmonized standards/specifications and methods can help to overcome to only certain extend the problems resulting from the application of different legal liability regimes (vehicle owner/holder vs. driver liability). Nevertheless, this would require significant investments which would likely not be offset by benefits.

Errors are due to incorrect reading of a vehicle licence plate not being unique. Further harmonizing the format of vehicle number plates will be costly. Developing automated comparison methods for different number plates format would be less demanding. Current activities aimed at establishing digital identity of a vehicle have to be taken into account.

The time of keeping the information on previous owner/holder of a vehicle also depends on the deadline for the submission/sending information letter/penalty notice. This is linked to the issues of storage/retention of personal data and possible discrimination on the grounds of nationality.

Many of the data required under Annex I of the CBE Directive are optional and for those which are mandatory, the exemption of availability is applied i.e. the provision of all data is de facto optional. Amendment of Annex 1 of the CBE Directive is necessary.

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Check the link with personal data protection rules. Harmonization of vehicle registers content is a very long term issue (non-feasibility of data retrofitting) and political will seems to be missing.

Technical and also financial challenges might hamper full interconnection. In addition, it needs to be assessed whether from a legal view various systems can be linked (e.g. personal data protection). It should be noted, that the Commission is obliged to control and monitor the implementation of EU law as well as its effective and efficient application (regulatory reporting and monitoring). With EUCARIS, as an inter-governmental tool where the Commission is not a contracting party, the execution of the Commission control and monitoring powers is limited (limited right of initiative) and not independent. This is, of course, without prejudice to the right of Member States to enforce EU law by using inter-governmental tools such as EUCARIS (and not the Commission/EU tools). It should be considered whether such disadvantage would be offset by the availability and reliability of the EUCARIS (no need to develop a new tool). This has to be assessed very carefully, especially in the light of the tendency in the EU to interconnect all existing databases in order to improve the investigation of all kinds of offences. The question is whether the EUCARIS would be able to cope with such a huge demand and whether it would be politically acceptable.

The question is whether the CBE Directive should not be decoupled from the PRÜM Decisions (removing reference to the PRÜM Decisions in Article 4 of the Directive). It will depend, inter alia, on the legal base of the revised CBE Directive.

Legal consequences are far-reaching. Also the technical solutions are yet unknown. The measure seems to be outside the scope of the initiative.

This measure may fall under subsidiarity.

Many decisions under the Framework Decision 2005/214/JHA cannot be mutually recognised, because during the recognition process it was not possible to properly verify the identity of presumed offenders and/or tracked them down (their address is unknown). To allow direct access of the justice practitioners to vehicle register(s) at national and EU level would facilitate enforcement of sanctions. The procedures must be carefully designed to avoid interference between judicial and executive powers.

This measure would help to overcome problems with the lack of evidence (Member States applying vehicle owner/holder liability regime normally don't need to make pictures of the front of the vehicle with the driver). Political willingness of this measure is questionable. From legal view, the measure is far-stretching as it would set up a liability regime for cross-border road traffic that would partially replace the national liability regimes (check compatibility with fundamental rights and legal principles).

Political willingness of this measure is questionable. Measure has many far-stretching legal implications.

It is questionable to what extent there is political will for such a measure, as Member States seem reluctant to use the MLA Convention and the EIO for cross-border investigation of road traffic offences. If these tools are found not suitable, special/unique procedures will have to be established. Special attention must be paid to personal data protection rules.

The incorporation of these offences will have to be considered in terms of technical capabilities of automatic detection.

This could mean the modification of the main objective with serious impact on legal base of the initiative. Check is needed if extension to these offences is possible considering the enforcement framework (many road offences are qualified as administrative offences and not as criminal ones). In addition, also environmental aspects as well as economic (fiscal) will become part of the framework.

This measure is aimed at avoiding a situation where Member States receive requests for information/data e.g. by e-mails/mails from local authorities or various private entities outsourced to represent local authorities, or debt collecting/recovery companies under unclear conditions, especially as regards personal data protection.

Legally problematic measure in terms of the Framework Decision consistency.

It appears that the main objective of the Framework Decision is to ensure mutual recognition of financial penalties in cross-border cases (no objective is mentioned in the normative part of this act). However, approx. 2/3 of articles of the Framework Decision are directly or indirectly linked to the grounds for refusal/non-execution/non-enforcement of the decisions. This reflects current level of mistrust between Member States in justice cooperation and raises the question whether all these grounds are necessary for road traffic offences which are usually minor delicts. Nevertheless, it seems that to remove any ground(s) would be politically unacceptable and from legal view very problematic. Therefore, the measures in this area should be focused only on eliminating reasons which lead to the application of the grounds. For example, different procedural deadlines for enforcement/execution of financial penalties (e.g. no harmonized deadline for response to the request), may result in statute barred execution of administrative/judicial decisions, as laid down in art. 7(2)(c) of the Framework Decision. Uniform deadlines would have positive impact particularly in situations where the fines are paid in instalments. In the case of impossibility to enforce a decision, the procedures envisaged under Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States may apply. Some Member States do not provide for alternative sanction such as criminal prosecution or the execution of a custodial sentence or detention order where the decision on a financial penalty cannot be enforced. Moreover, the Decision on the European arrest warrant can only be used for the purpose of conducting a criminal prosecution or executing a custodial sentence or detention order.

The amount of the financial penalties associated to the commitment of road traffic-related offences, even if they are qualified as criminal, is often low. Therefore, national authorities are not motivated to go through all the complicated processes prescribed by the Framework Decision to recognise and enforce foreign decisions in order to retrieve modest sums of money, which anyway are kept in the Member State executing the fine. Nevertheless, accrual of fines to the executing state has the advantage of saving the cost and administrative difficulties of transferring the monies. So far, no Member State objected the current rule in place.

The procedures laid down in the Framework Decision are burdensome and not suitable for processing millions of cross-border cases concerning automatically detected road traffic offences. Sanctions for millions of these offences are not enforced. Digitisation seems to be necessary. FIA in cooperation with automobile clubs could propose the content of electronic documents which can be used by road users in communication with administrative and judicial authorities.

This would be a "first step" measure which seems to be a necessary (missing) precondition for the application of the rules as laid down in the abolished Convention of 1998. It should be noted that administrative and judicial decisions on driving disqualifications apply not only to road traffic offences but also to other offences such as tax evasion. This measure would require an amendment of the Driving Licence Directive and a separate impact assessment.

Politically very sensitive and costly measure (not all Member States have a demerit/penalty point system) requiring a separate impact assessment. The question of subsidiarity will be raised.

Questionable whether this should be done within the scope of the current study, since the whole system for cross-border enforcement of driving disqualifications is missing. A separate impact assessment would be needed.

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FIA in cooperation with automobile clubs could propose the content of electronic documents which can be used by road users in communication with administrative/police and judicial authorities. Legal feasibility check of this measure is needed.

Protective elements are crucial especially in the case of electronic communication.

Member States don't use Annex II of the CBE Directive (template of the information letter), they use national penalty notices which are not always translated according to Article 5(3) of the Directive (typical problem of local authorities). The application of Directive 2010/64/EU to road traffic offences is limited.

There are Member States having several official languages which can be used on a specific territory (normally where minorities live). This creates various problems in the communication with presumed offenders. The approach as laid down in Regulation (EC) No 1393/2007 on the service of documents may be a solution of the problems.

Alignment with LED is closely monitored by the Secretariat General and Legal Service of the Commission ("Ominbus" directive and regulation are being prepared).

Currently, there is limited possibility to monitor and evaluate the effects of the CBE Directive due to the incomplete information provided by the Member States. The question is whether EUCARIS Secretariat could collect this information on behalf of the Commission or whether the Commission could collect the additional information by using CARE database. It should be noted that there are also reporting obligations for Member States in Article 8 of the CBE Directive, which are not clear (information to citizens on road traffic rules in place provided by the Commission following the information received from Member States - Going Abroad website).

| Main actor | Stakeholders affected |
|--|--|
| European Commission / National authorities | National authorities, offending/non-offending drivers, general public ² |
| European Commission / National authorities | National authorities |
| European Commission | National authorities |
| European Commission / National authorities | National authorities |
| National authorities | National authorities |
| European Commission/National authorities | National authorities |
| European Commission/National authorities | National authorities |
| European Commission/National authorities | National authorities, citizens, insurance companies |

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National authorities, EUCARIS

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National authorities

Expected results

Better cross-border enforcement of road traffic/transport rules.

Increased number of detected road traffic offences.
Detections go up in short run. However, their impact on behaviour (i.e. less offences are committed) comes only in long run.

Better cross-border enforcement of road traffic/transport rules.

More efficient cross-border investigation of road traffic offences

More efficient cross-border investigation of road traffic offences - in cases where the car is sold, it becomes easier to identify who was the previous owner/holder.

More efficient cross-border investigation of road traffic offences - more offences can be investigated successfully as more data to build the evidence are available.

Less administrative burden for car rental and leasing companies and legal persons having a vehicle fleet.

Faster/improved identification of the offender.

Faster/improved identification of the offender.

Better cross-border investigation of road traffic offences via better access to relevant information.

Better prosecution of presumed offenders.

Much easier and transparent cross-border investigation of road traffic offences.

Better cross-border investigation of road traffic offences.

Better cross-border investigation of road traffic offences via increased mutual assistance.

Increased number of detected offences leading to improved driving behaviour.

Increased number of detected offences leading to improved driving behaviour.

Better cross-border enforcement of road traffic/transport rules.

Wider range of decisions to be recognised that would lead to better enforcement of sanctions.

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Better enforcement of sanctions.

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Better cross-border enforcement of road traffic/transport rules.

By harmonising the driving disqualification scheme, practically all problems with mutual recognition of driving disqualifications would disappear.

Better cross-border enforcement of road traffic/transport rules.

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Better cross-border enforcement of road traffic/transport rules.

Better policy making in cross-border enforcement of road traffic/transport rules.

| # | Policy measure |
|----|---|
| 1 | Increase funding to police authorities to improve cross-border enforcement of road traffic rules |
| 1b | Promote installation of automatic and use of mobile detection equipment. |
| 2 | Analyse state of play of evidence collection on road traffic offences in Member States and, if appropriate, propose harmonized technical standards and specifications, and methods of use, for detection equipment. |
| 3 | Further harmonize the format of Member States' licence plates to improve road traffic offences detection (ANPR) |
| 4 | Keep the information on previous owner/holder of a vehicle for specific time and provide/disclose it upon request; harmonize deadlines for submission/sending of information letters/penalty notices to non-residents |
| 5 | Establish minimum mandatory data content of vehicle registers necessary for the investigation of road traffic offences. |
| 6 | Exchange the information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle. |
| 7 | Include further information in national vehicle registers e.g. the picture of the vehicle owner/holder , vehicle insurance information, the information on the owners' all other vehicles. |

8

Link EUCARIS CBE to the Commission HUB IT systems and interoperability solutions in the field of Transport, Justice and Home Affairs (ensure interconnection of various systems and databases such as RESPER, SIS, ESP, eEvidence/eCodex, ID cards, passports etc.).

9

Regularly update the CBE Directive and other relevant legislation to keep track with the changing vehicle technology and increasing availability of in-car data.

10

Apply "Once only principle" for sharing information between administrations (local and central government registers) at national level.

11

Allow administrative and criminal justice practitioners real-time access to vehicle registers to speed-up proceedings.

12

Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle.

13 Ensure that all offences under the CBE Directive fall under criminal law to establish uniform follow-up.

14 Establish mechanism for obligatory sharing information under follow-up procedures to the CBE Directive in investigation, in order to facilitate tracking down presumed offender and the provision of additional evidence (use the MLA Convention and the EIO for cross-border investigation of road traffic offences). Digitise the procedures, as appropriate.

15 Extend the scope of the CBE Directive to other road safety related offences.

16 Extend the scope of the CBE Directive to other road traffic offences (not road safety related)

17 Improve "active" investigation of road traffic offences

18 Apply Framework Decision 2005/214/JHA to road traffic offences qualified as administrative without any conditionalities related to criminal proceedings.

19 Reduce the effects of the grounds for non-recognition/execution of decisions under Framework Decisions 2005/214/JHA.

20 Motivate Member States to use of the procedures under Framework Decision 20005/214/JHA.

21 Digitise the communication between issuing and executing state, and between presumed offender and executing state under Framework Decision 2005/214/JHA.

22 Establish clear rules to prevent driving licence "tourism".

23 Establish harmonized EU rules for driving disqualifications

24 Establishing EU rules for direct recognition of driving disqualifications

25 Establishing EU rules for indirect recognition of driving disqualifications

26 Establish mandatory minimum requirements for the information on the evidence, applicable appeal procedures and payment of financial penalties to be shared with presumed offender

27 Ensure authenticity of the information letter (penalty notice)

28 Ensure consistent and seamless language regime in the follow-up procedures to the CBE Directive

29 Ensure that the information exchange under the CBE Directive complies with GDPR and LED

30 Ensure mandatory provision of the information by Member States on the number of (registered) offences committed by residents and non-residents and on the number of successfully enforced sanctions in cross-border cases.

Root cause addressed

a. Current resources (technical and manpower) insufficient to adequately detect offences

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b. Disparity of technical standards and type of evidence accepted between Member States (e.g. photograph of the front or back of the car)

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c. Different or erroneous content of vehicle registers across Member States

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d. Use of databases other than vehicle registers to correct or complement the data on vehicle owners/holders or to help identify the offender (driver) is not allowed

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e. IT problems at national level (e.g. central vehicle register and regional registers are not properly interconnected or compatible)

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f. Member States have different legal liability regimes, traffic rules and sanction schemes

n. Different liability regimes among MS lead to insufficient/no evidence provided on presumed offender (e.g. MS with vehicle owner/holder liability are not able to provide additional evidence on the offender's identity required by MS with driver liability)

f. Member States have different legal liability regimes, traffic rules and sanction schemes

g. Limited recourse to the MLA Convention and EIO by the Member States for cooperation in the follow-up procedure

h. CBE Directive covers limited number of road traffic offences

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i. In the cases when road traffic offences are qualified as administrative offences they are not fully covered by mutual recognition procedures

j. The EU legal Framework (Framework Decision 2005/214/JHA) includes extensive grounds for non-recognition/non-execution, providing many exemptions to not mutually recognise decisions

k. Complex recovery procedures combined with possible low value of fines may deter Member States from pursuing the offence

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l. Convention on driving disqualifications did not enter into force (e.g. uncertainty causing less follow-up)

m. Member States have different rules on driving disqualifications (e.g. some MS use demerit points systems)

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p. Inadequate information provided to the presumed offender on the offence and on the procedure to be followed

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q. New EU data protection rules entered into force since the adoption of the CBE Directive

r. legal and administrative obstacles in MS to collecting the information on the number of (registered) offences committed by residents and non-residents and on the number of successfully enforced sanctions in cross-border cases?

?

Description of measure

Establish legal basis in the CBE Directive to allow granting/co-financing police cross-border enforcement activities. Propose earmarking of revenues from financial penalties to enforcement of road traffic/transport rules (or road safety).

Use existing EU funding tools (CEF, DG REGIO structural funds/operational programmes) to promote procurement and deployment of automatic and mobile equipment for road traffic offences detection. This measure is a part of measure 1.

Make an overview of the evidence accepted in courts and related procedures that would help to identify at a country-by-country basis what evidence is needed and whether harmonized standards and specifications, and methods of use, for detection equipment are needed. There is a link with measures 12 and 14.

Establish additional elements which would help to distinguish between Member States' vehicle number plates, beyond Council Regulation (EC) No 2411/98.

Set up a time period for obligatory keeping the information on the previous owner/holder of a vehicle in national register (specification of personal data storage/retention), and a deadline for submission/sending information letter/penalty notice to non-residents. The shorter is the deadline, the better is the educative effect of sanction.

Specify mandatory data to be exchanged. Extend the information exchange to vehicle categories, because trucks and buses are equipped with speed limitation devices (they cannot exceed certain speed limits regardless of posted speed limit). Take into account recommendations of DAPIX Focus Group VRD (Next PRÜM Generation).

If possible, share the Information on the vehicle final user/keeper.

Further harmonization of the data content of vehicle registers, beyond Directive 99/37/EC as amended later. Take into account recommendations of DAPIX Focus Group VRD (Next PRÜM Generation). There is a link with measure 8.

Amend Article 4 of the CBE Directive to allow using other databases for the investigation of road traffic offences (especially RESPER where additional data on drivers can be found). Take into account recommendations of DAPIX Focus Group VRD (Next PRÜM Generation).

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Establish specific vehicle owner/holder liability regime to facilitate the identification of an offender. Distinguish between natural and legal persons. Alternative measure could be to add to the offences a “non-cooperation/identification offence”. However, it could be problematic to include in revised CBE Directive the obligation for presumed offender to identify the driver, because “non-cooperation/identification offence” would be completely different from road traffic or vehicle related offences and there might be serious conflicts with constitutional rights in some Member States. Moreover, this offence need not to be considered as an offence committed abroad. Administrative or judicial decisions related to such offence can be refused to be recognised according to Article 7 (2d) of Framework Decision 2005/214/JHA.

Currently, some offences under the CBE Directive are qualified as criminal, while others as administrative. As a result, the offences are treated differently. To minimise the differences, all offences should be qualified as criminal (EU legal framework for enforcement is based on criminal law).

Member States should provide requested information, even if this information is not needed under their own legal procedures. Indicate in the revised CBE Directive, which elements of the MLA Convention and the EIO can be used or are relevant for cross-border investigation of road traffic offences under follow-up procedures to the CBE Directive and how the application of these elements can be digitised (e.g. use of e-CODEX project and the Commission eDelivery network solutions). Promote the advantages of these legal acts and provide guidance on how the tools could be used (workshops, conferences, trainings).

In practice, it would mean to use Article 5 of MLA to find the address of presumed offender, which could be complemented by more detailed procedures. For the cooperation in providing additional evidence (normally the picture of presumed offender or the vehicle owner/holder retrieved from other databases such as ID cards or passports), two options are possible depending on what would be Member States' request. First option would be that a request issuing Member State only ask for a picture of presumed offender (normally the vehicle owner/holder) and the investigation will be executed by this Member State. In such case, the EIO application would not be necessary (police-to-police cooperation). Second option would be that a request issuing Member State ask another Member State to execute the investigation i.e. to retrieve the picture of presumed offender, compare it with the picture already provided by the issuing Member States and deliver judicial or administrative decision on the result of the investigation. In such case, the EIO may apply.

Nevertheless, the investigation may turn to be extremely complicated or even not feasible, if the pictures do

These offences have been already indicated by stakeholders to be included to the scope: not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing white lane, not respecting forbidden access, driving in wrong way or emergency lane. It seems to be appropriate that the Commission issue a delegated act which would precisely define each road safety related traffic offence.

These offences have been already indicated by stakeholders to be included to the scope: overloaded vehicle, parking offences in general/violation of stationary traffic rules, violation of urban vehicle access regulations, non-payment of vehicle insurance. It seems to be appropriate that the Commission issue a delegated act which would precisely define each road traffic offence.

Make the use of EUCARIS (or any other equivalent system - depending on Member States decision) obligatory also for "active" investigation of road traffic offences under the scope of the CBE Directive i.e. for outgoing searches (outbound requests).

Remove the obstacle where a decision cannot be recognised if the competence to impose a financial penalty in the State in which road traffic offence was committed is entrusted upon a judicial or administrative authority which is not required to respect the procedural standards under criminal matters as foreseen under EU law. There is a link with measure 13.

Establish uniform procedural deadlines for enforcement/execution of financial penalties. Apply European Arrest Warrant in the case of insolvency of the offender who has no assets. There is a link with measure 4.

Remove the threshold for financial penalties and establish fair accrual of monies from fines between issuing and executing Member State (specific distribution keys could be established according to the incurred costs or just fifty-fifty accrual could be applied). The competent authority of the executing state has to give the sentenced person the opportunity to pay the issuing state before continuing with the proceedings under the Framework Decision. Make the application of the procedures under the Framework Decision obligatory to debt collecting/recovery companies i.e. these companies will have to respect the procedures.

To speed up the procedures, ensure obligatory electronic exchange of 5 standardized forms for cross-border enforcement of financial penalties (the question is whether the number of forms could not be further reduced) and enable presumed offenders to submit documents electronically (e.g. use e-CODEX project and the Commission eDelivery network solutions). Ensure mandatory establishment of one central authority responsible for administrative transmission and reception of the decisions, coordination at national level (communication with relevant local courts) and for assisting competent authorities of other Member States.

Make sure that disqualified drivers (both residents and non-residents) in one Member State will not obtain a new driving licence or renew the existing driving licence in another Member State. Ensure that the disqualifications especially granted to non-residents are recognised at EU level (i.e. by all Member States) to avoid the situation that a disqualified driver in one Member State can drive in another Member State. Precisely define the types of disqualifications in the EU; distinguish between disqualification applied to residents and non-residents. Establish rules for electronic driving licences, which would help to apply the above principles/rules.

Clarify when (for what road traffic offences) the uniform disqualifications can be applied EU level and how. If necessary, harmonize road traffic rules and establish uniform system for EU demerit/penalty point system.

Ensure that driving disqualifications for road traffic offences committed by foreign vehicles/non-residents be executed by the Member State in which the road traffic offence took place.

Ensure that driving disqualifications for road traffic offences committed by foreign vehicles/non-residents be executed by the Member State which issued the driving license of presumed offender or in which the offender has normal residence.

Extend the obligatory content of the information letter as laid down in Article 5(2) of the CBE Directive to explanation on applicable appeal procedure (foreigners/non-residents are normally not familiar with different legal systems applied by Member States - a soft alternative could be that the Commission provide the information on applicable appeal procedures on its web to inform road users, following the Member States' information). Make it obligatory to provide the information letter with the evidence of the offence, or at least provide the evidence upon the request of presumed offender. Enable presumed offenders to submit documents electronically (e.g. use e-CODEX project and the Commission eDelivery network solutions). Ensure that Member States give sufficient time to presumed offenders to appeal that is very important for foreigners/non-residents who quite often receive the information letter later than nationals/residents. Establish the obligation to provide, in the information letter, IBAN account number where financial penalty can be paid. Ensure equal treatment of resident and non-resident offenders regarding application of lower penalties if paid off within shorter deadlines (non-residents normally get the information letter later than residents and they may have to pay higher penalties). There is a link with measure 19.

Establish protective elements which will help to indicate to presumed offenders whether the information letter is authentic (and not a fraudulent activity).

Remove legal gaps concerning language regime and clarify the use of languages in the procedures under the investigation of road traffic offences and enforcement of sanctions for these offences. Ensure that language regime is clearly defined not only in the case of where a national authority communicates with a citizen/presumed offender, but also in the case where a citizen/presumed offender communicates with a national authority. Clarify the meaning and use of an official language. There is a link with measures 19 and 26.

Specify how the mixed regime of personal data protection under GDPR and LED will be applied. In the CBE Directive, replace reference to PRÜM Decisions by the reference to LED. Consider replacing of Article 7(3) of the CBE Directive by Article 9(3) of LED. Establish rules on personal data storage in "clouds" (consider the idea of European cloud hosting service that would ensure storage of sensitive information with trusted hosts). Take into account recommendations of DAPIX Focus Group VRD (Next PRÜM Generation), especially as regards "Multiple vehicle inquires/Single search facility" and "Wildcards" and consider personal data pseudonymisation. There is a link with measure 4.

Provide the following information which is considered as necessary for evaluating the efficiency and effectiveness of the Directive and its impact on the number of road fatalities and serious injuries:

- the number of (registered) offences under the scope of the Directive, which are detected automatically or without the identification of the offender on the spot and committed by vehicles registered in another Member State/non-residents,
- the number of successful outgoing searches/requests,
- the total number of (registered) offences committed by residents and non-residents,
- the % of successfully enforced sanctions in cross-border cases.

ETSC

ETSC supportive of this proposal. ETSC has already supported proposals within the EU budget, the EC's intention to support other initiatives such as, for example, joint cross-border road traffic enforcement operations organised in cooperation between police bodies. ETSC also supports previously EU funded enforcement (Poland, Hungary).

ETSC also supports this. Quote to prove it was part of their progress. Poland.

We recommend the development common minimum standards on enforcement equipment.
<https://etsc.eu/how-traffic-law-enforcement-can-contribute-to-safer-roads-pin-flash-31/>

Yes, good idea. Please see with DG GROW plans to harmonise front licence plate under the GSR implementing act.

ETSC supports.

N.B. See ETSC Recent Report on HGV showing that they still exceed legal speed limits on some roads.

Yes, good idea. As mentioned in the June Workshop, if we going towards a trend of more 'car sharing' then this will be crucial. And already important for company vehicles of course.

Yes, if this is possible re: data protection issues.

No comment?

Yes, ETSC supports this. However EDR will only help when we have fully automated vehicles. At present the new GSR legislation which will mandate the use of EDR will only be accessed in case of post collision accident investigation, not a speeding incident (and possible offence). But it's worth to start preparing for automation and using the EDR tool.

No comment.

ETSC would support this.

ETSC agrees that this is one of the barriers in implementing the CBE Directive and would support a common liability scheme. We would also support the idea to introduce a “non-cooperation/identification offence”.

No comment.

Again, if it's possible..perhaps a new measure is needed.

ETSC supports this.

Support, but would like 'road safety' offences, as above in measure 16, remaining being the focus. However if this means higher success rates of follow up of 'road safety' related offences then would also support widening of the scope.

Yes would support, in principle.

If it's possible, we would welcome this. This seems to be one of the CBE implementation barriers.

No comment?

Yes, would support.

Yes, would support.

Yes, ETSC would support this. DL Directive is also up for review.

Yes , ETSC supports this. See also Report: Bestpoint including recommendations for CBE angle:
<https://etsc.eu/wp-content/uploads/2014/03/BPHandBook.pdf>

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<https://etsc.eu/wp-content/uploads/2014/03/BPHandBook.pdf>

ETSC would support this.

yes, ETSC would support this.

yes, ETSC would support this.

No comment.

Yes, reporting by MSs helps monitor and thus improve the implementation of the CBE Directive.

ETSC Positions and Literature on Enforcement and the CBE Directive: ETSC PIN Flash 2016

<https://etsc.eu/how-traffic-law-enforcement-can-contribute-to-safer-roads-pin-flash-31/>

ETSC input to EU Road Safety Strategy (2018), https://etsc.eu/wp-content/uploads/5th_rsap_2020-2030_etsc_position.pdf

ETSC Response to EU Road Safety Strategy (2019) section on enforcement , https://etsc.eu/wp-content/uploads/ETSC_response_EU_strategic_action_plan_road_safety.pdf

ETSC PIN Flash (2019) Reducing Speeding in Europe <https://etsc.eu/wp-content/uploads/PIN-flash-report-36-Final.pdf>

| Comments | Main actor |
|--|--|
| According to the Commission internal rules, it is not possible to allocate grants without a legal basis. | European Commission/National authorities |
| Due to budget constraints the number of equipment (e.g. speed cameras) to detect road traffic offences is very low/missing in some regions/Member States. Nevertheless, overall increase of detection of road traffic offences will not necessarily increase the efficiency of CBE Directive | European Commission / National authorities |
| Evaluation of the application of the CBE Directive did not suggest to establish uniform standards/specifications and methods for (automatic) detection equipment. However, harmonized standards/specifications and methods can help to overcome to only certain extend the problems resulting from the application of different legal liability regimes (vehicle owner/holder vs.driver liability). Nevertheless, this would require significant investments which would likely not be offset by benefits. | European Commission |
| Errors are due to incorrect reading of a vehicle licence plate not being unique. Further harmonizing the format of vehicle number plates will be costly. Developing automated comparison methods for different number plates format would be less demanding. Current activities aimed at establishing digital identity of a vehicle have to be taken into account. | European Commission / National authorities |
| The time of keeping the information on previous owner/holder of a vehicle also depends on the deadline for the submission/sending information letter/penalty notice. This is linked to the issues of storage/retention of personal data and possible discrimination on the grounds of nationality. | National authorities |
| Many of the data required under Annex I of the CBE Directive are optional and for those which are mandatory, the exemption of availability is applied i.e. the provision of all data is de facto optional. Amendment of Annex 1 of the CBE Directive is necessary. | European Commission/National authorities |
| Amendment of Annex 1 of the CBE Directive is necessary. | European Commission/National authorities |
| Check the link with personal data protection rules. Harmonization of vehicle registers content is a very long term issue (non-feasibility of data retrofitting) and political will seems to be missing. | European Commission/National authorities |

Technical and also financial challenges might hamper full interconnection. In addition, it needs be assessed whether from a legal view various systems can be linked (e.g. personal data protection). It should be noted, that the Commission is obliged to control and monitor the implementation of EU law as well as its effective and efficient application (regulatory reporting and monitoring). With EUCARIS, as inter-governmental tool where the Commission is not a contracting party, the execution of the Commission control and monitoring powers is limited (limited right of initiative) and not independent. This is, of course, without prejudice to the right of Member States to enforce EU law by using inter-governmental tools such EUCARIS (and not the Commission/EU tools). It should be considered whether such disadvantage would be offset by the availability and reliability of the EUCARIS (no need to develop a new tool). This has to be assessed very carefully, especially in the light of the tendency in the EU to interconnect all existing databases in order to improve the investigation of all kinds of offence. The question is whether the EUCARIS would be able to cope with such a huge demand and whether it would be politically acceptable.

European
Commission/National
authorities

The question is whether the CBE Directive should not be decoupled from the PRÜM Decisions (removing reference to the PRÜM Decisions in Article 4 of the Directive). It will depend, inter alia, on the legal base of the revised CBE Directive.

Legal consequences are far-stretching. Also the technical solutions are yet unknown. Measure seems to be outside the scope of the initiative.

This measure may fall under subsidiarity.

National authorities

Many decisions under the Framework Decision 2005/214/JHA cannot be mutually recognised, because during the recognition process it was not possible to properly verify the identity of presumed offenders and/or tracked them down (their address is unknown). To allow direct acces of the justice practitioners to vehicle register(s) at national and EU level would facilitate enforcement of sanctions. The procedures must be carefully designed to avoid interference between judicial and executive powers.

European
Commission/National
authorities

This measure would help to overcome problems with the lack of evidence (Member States applying vehicle owner/holder liability regime normally don't need to make pictures of the front of the vehicle with the driver). Political willingness of this measure is questionable. From legal view, the measure is far-stretching as it would set up a liability regime for cross-border road traffic that would partially replace the national liability regimes (check compatibility with fundamental rights and legal principles).

European Commission /
National authorities

Political willingness of this measure is questionable. Measure has many far-stretching legal implications.

European Commission /
National authorities

It is questionable to what extent there is political will for such a measure, as Member States seem reluctant to use the MLA Convention and the EIO for cross-border investigation of road traffic offences. If these tools are found not suitable, special/unique procedures will have to be established. Special attention must be paid to personal data protection rules.

European
Commission/National
authorities

The incorporation of these offences will have to be considered in terms of technical capabilities of automatic detection.

European Commission /
National authorities

This could mean the modification of the main objective with serious impact on legal base of the initiative. Check is needed if extension to these offences is possible considering the enforcement framework (many road offences are qualified as administrative offences and not as criminal ones). In addition, also environmental aspects as well as economic (fiscal) will become part of the framework.

European Commission /
National authorities

This measure is aimed at avoiding a situation where Member States receive requests for information/data e.g. by e-mails/mails from local authorities or various private entities outsourced to represent local authorities, or debt collecting/recovery companies under unclear conditions, especially as regards personal data protection.

European Commission /
National authorities

Legally problematic measure in terms of the Framework Decision consistency.

European Commission /
National authorities

It appears that the main objective of the Framework Decision is to ensure mutual recognition of financial penalties in cross-border cases (no objective is mentioned in the normative part of this act). However, approx. 2/3 of articles of the Framework Decision are directly or indirectly linked to the grounds for refusal/non-execution/non-enforcement of the decisions. This reflects current level of mistrust between Member States in justice cooperation and raises the question whether all these grounds are necessary for road traffic offences which are usually minor delicts. Nevertheless, it seems that to remove any ground(s) would be politically unacceptable and from legal view very problematic. Therefore, the measures in this area should be focused only on eliminating reasons which lead to the application of the grounds. For example, different procedural deadlines for enforcement/execution of financial penalties (e.g. no harmonized deadline for response to the request), may result in statute barred execution of administrative/judicial decisions, as laid down in art. 7(2)(c) of the Framework Decision. Uniform deadlines would have positive impact particularly in situations where the fines are paid in instalments. In the case of impossibility to enforce a decision, the procedures envisaged under Framework Decision 2002/584/JHA on the European arrest warrant and the surrender procedures between Member States may apply. Some Member States do not provide for alternative sanction such as criminal prosecution or the execution of a custodial sentence or detention order where the decision on a financial penalty cannot be enforced. Moreover, the Decision on the European arrest warrant can only be used for the purpose of conducting a criminal prosecution or executing a custodial sentence or detention order.

European Commission /
National authorities

The amount of the financial penalties associated to the commitment of road traffic-related offences, even if they are qualified as criminal, is often low. Therefore, national authorities are not motivated to go through all the complicated processes prescribed by the Framework Decision to recognise and enforce foreign decisions in order to retrieve modest sums of money, which anyway are kept in the Member State executing the fine. Nevertheless, accrual of fines to the executing state has the advantage of saving the cost and administrative difficulties of transferring the monies. So far, no Member State objected the current rule in place.

European Commission /
National authorities

The procedures laid down in the Framework Decision are burdensome and not suitable for processing millions of cross-border cases concerning automatically detected road traffic offences. Sanctions for millions of these offences are not enforced. Digitisation seems to be necessary. FIA in cooperation with automobile clubs could propose the content of electronic documents which can be used by road users in communication with administrative and judicial authorities.

European Commission /
National authorities

| | |
|---|---|
| <p>This would be a "first step" measure which seems to be a necessary (missing) precondition for the application of the rules as laid down in the abolished Convention of 1998. It should be noted that administrative and judicial decisions on driving disqualifications apply not only to road traffic offences but also to other offences such as tax evasion. This measure would require an amendment of the Driving Licence Directive and a separate impact assessment.</p> | <p>European Commission/National authorities</p> |
| <p>Politically very sensitive and costly measure (not all Member States have a demerit/penalty point system) requiring a separate impact assessment. The question of subsidiarity will be raised.</p> | <p>European Commission/National authorities</p> |
| <p>Questionable whether this should be done within the scope of the current study, since the whole system for cross-border enforcement of driving disqualifications is missing. A separate impact assessment would be needed.</p> | <p>European Commission/National authorities</p> |
| <p>Questionable whether this should be done within the scope of the current study, since the whole system for cross-border enforcement of driving disqualifications is missing. A separate impact assessment would be needed.</p> | <p>European Commission/National authorities</p> |
| <p>FIA in cooperation with automobile clubs could propose the content of electronic documents which can be used by road users in communication with administrative/police and judicial authorities. Legal feasibility check of this measure is needed.</p> | <p>European Commission/National authorities</p> |
| <p>Protective elements are crucial especially in the case of electronic communication.</p> | <p>European Commission/National authorities</p> |
| <p>Member States don't use Annex II of the CBE Directive (template of the information letter), they use national penalty notices which are not always translated according to Article 5(3) of the Directive (typical problem of local authorities). The application of Directive 2010/64/EU to road traffic offences is limited.</p> | <p>European Commission/National authorities</p> |
| <p>There are Member States having several official languages which can be used on a specific territory (normally where minorities live). This creates various problems in the communication with presumed offenders. The approach as laid down in Regulation (EC) No 1393/2007 on the service of documents may be a solution of the problems.</p> | <p>European Commission/National authorities</p> |

Alignment with LED is closely monitored by the Secretariat General and Legal Service of the Commission ("Ominbus" directive and regulation are being prepared).

European
Commission/National
authorities

Currently, there is limited possibility to monitor and evaluate the effects of the CBE Directive due to the incomplete information provided by the Member States. The question is whether EUCARIS Secretariat could collect this information on behalf of the Commission or whether the Commission could collect the additional information by using CARE database. It should be noted that there are also reporting obligations for Member States in Article 8 of the CBE Directive, which are not clear (information to citizens on road traffic rules in place provided by the Commission following the information received from Member States - Going Abroad website).

European
Commission/National
authorities

Stakeholders affected

National authorities, offending/non-offending drivers, general public

National authorities

National authorities

National authorities

National authorities

National authorities

National authorities

National authorities, citizens, insurance companies

National authorities

National authorities, EUCARIS

National authorities, citizens

National authorities

National authorities

National authorities

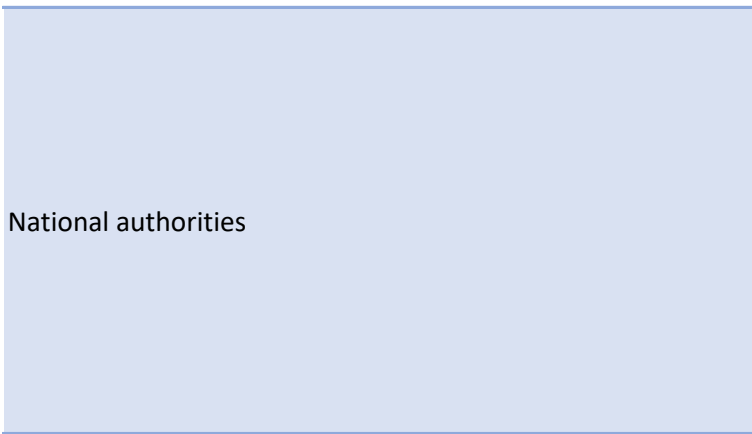
National authorities /citizens

National authorities /citizens

National authorities



National authorities



National authorities



National authorities/citizens

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National authorities/citizens

National authorities/citizens

National authorities



Expected results

Better cross-border enforcement of road traffic/transport rules.

Increased number of detected road traffic offences.
Detections go up in short run. However, their impact on behaviour (i.e. less offences are committed) comes only in long run.

Better cross-border enforcement of road traffic/transport rules.

More efficient cross-border investigation of road traffic offences

More efficient cross-border investigation of road traffic offences - in cases where the car is sold, it becomes easier to identify who was the previous owner/holder.

More efficient cross-border investigation of road traffic offences - more offences can be investigated successfully as more data to build the evidence are available.

Less administrative burden for car rental and leasing companies and legal persons having a vehicle fleet.

Faster/improved identification of the offender.

Faster/improved identification of the offender.

Better cross-border investigation of road traffic offences via better access to relevant information.

Better prosecution of presumed offenders.

Much easier and transparent cross-border investigation of road traffic offences.

Better cross-border investigation of road traffic offences.

Better cross-border investigation of road traffic offences via increased mutual assistance.

Increased number of detected offences leading to improved driving behaviour.

Increased number of detected offences leading to improved driving behaviour.

Better cross-border enforcement of road traffic/transport rules.

Wider range of decisions to be recognised that would lead to better enforcement of sanctions.

Wider range of decisions to be recognised that would lead to better enforcement of sanctions.

Better enforcement of sanctions.

Better enforcement of sanctions.

Better cross-border enforcement of road traffic/transport rules.

By harmonising the driving disqualification scheme, practically all problems with mutual recognition of driving disqualifications would disappear.

Better cross-border enforcement of road traffic/transport rules.

Better cross-border enforcement of road traffic/transport rules.

Better cross-border enforcement of road traffic/transport rules.

Better cross-border enforcement of road traffic/transport rules.

Better cross-border enforcement of road traffic/transport rules.

Better cross-border enforcement of road traffic/transport rules.

Better policy making in cross-border enforcement of road traffic/transport rules.



CBE Directive Impact Assessment
Expert Workshop 14th January 2021

CBE Directive Impact Assessment

Expert Workshop 14 January 2021

Welcome

The meeting will start shortly

Please remember to mute your microphone and to switch off your camera

In case of technical problem please use the chat function or

Email: cbe@ecorys.com

Some general technical advice

1. Please *keep your microphone muted* when not speaking
2. Switching *off the video* could help the connection
3. Send a message in the *chat box* if you want to contribute or ask a question.
4. If you wish to speak please, *raise your hand* (see next slide)
5. Please be respectful and patient.

This meeting is NOT recorded

How to give feedback

1. If you wish to speak please, *raise your hand*



2. If you wish to leave a message in the chat



Introduction

Objective of the study

- Revision of **Directive (EU) 2015/413** facilitating cross-border exchange of information on road-safety–related traffic offences
- Provide input to the Commission's **Impact Assessment**

Objective of today's session

- Ask the participants' input on the **feasibility** of **policy measures to address identified problems**
- Validate the **completeness** of the set of **policy measures**

Introduction

Five problems were identified:

1. **Road offences not investigated** due to the investigation not being initiated or failed
2. **Inadequate recognition** of decisions on financial penalties
3. **Violation of fundamental rights and legal principles** in the cases of road traffic offences committed by non-residents
4. **Insufficient information** for the evaluation of the effects of the CBE Directive
5. Inadequate cross-border enforcement of **driving disqualifications**

Introduction

In the stakeholders' feedback on IIA (Road map) of the revision, the Commission was asked to assess the following issues:

1. Extending the revision's scope:

- to additional road-safety-related offences such as *not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing white lane, not respecting forbidden access, driving in wrong way or emergency lane, overloaded vehicle*;
- to the offences not directly related to road safety such as *non-payment of parking fees, violation of urban vehicle access regulations and non-payment of vehicle insurance*.

2. Extending the revision to mutual recognition of driving disqualifications

(not originally included in the Road map)

Introduction

Extension of the revision's scope to additional road-safety-related traffic offences

The offences below are considered as outside the scope of the revision due to:

- The offence „*not respecting forbidden access*“ is normally linked to the application of **UVARs**;
- The offence „*overloaded vehicle*“ is linked to the application of **Directive 96/53/EC on maximum weights and dimensions of vehicles** → issues stemming from the provision of a Directive shall not be addressed in a different Directive, but rather amending the first one.

Introduction

Extension of the revision's scope to the offences not directly related to road safety

These offences are considered as outside the scope of the revision due to:

- The **logical consistency** of the CBE Directive: the focus on road safety and the objective to *reduce the number of road fatalities* has been present since the publication of the first legislative proposal for the Directive, which reflects the objectives and content (Art. 1 of the Directive would have to be **revised and broaden** that would require several different impact assessments);
- A need for a **revision of the legal basis**, depending on the interpretation that is embraced in the application of the „centre of gravity“ test). Furthermore, there is **a lack of common approach in the definition of UVARs at city level, including parking fee schemes**, with different national legal bases that is a barrier to effective functioning of the follow up mechanism to the CBE Directive.
- The offence „*non-payment of vehicle insurance*“ is linked to the application of **Directive 2009/103/EC on motor vehicles insurance** → **issues stemming from the provision of a Directive shall not be addressed in a different Directive, but rather amending the first one.**

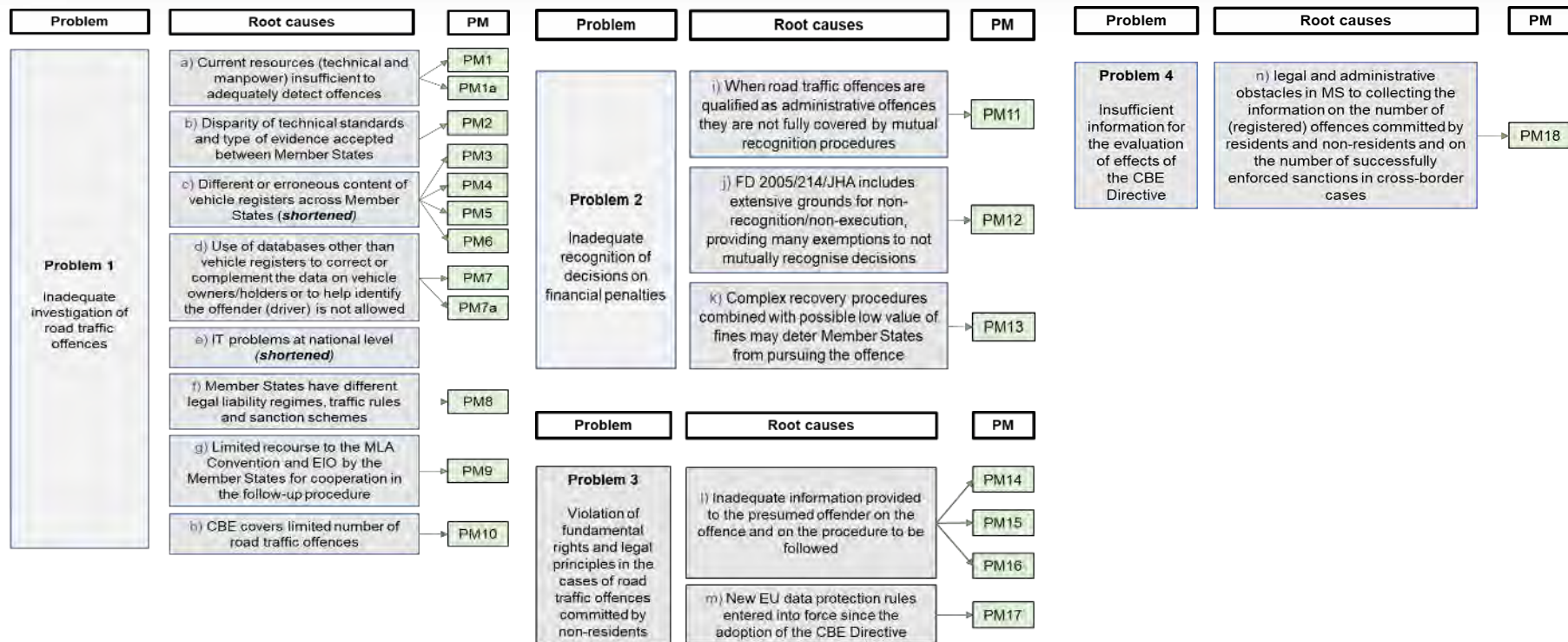
Introduction

Extension of the revision to cross-border enforcement of Driving disqualifications

This issue is considered as outside the scope of the revision due to:

- a) **Consistency:** Driving disqualifications are already partially covered by another act, i.e. Driving License Directive (art. 11.2 and 11.4). The Court's provided interpretations of the Directive clarifying the limits of disqualifications' EU-wide enforcement under the current system → **issues stemming from the provision of a Directive shall not be addressed in a different Directive, but rather amending the first one.**
- b) **Legal basis:** Systems of mutual recognitions of penalties are usually based on Justice Cooperation (see e.g. Framework Decision of 2005/214/JHA; Prüm Decisions).

Introduction: problem assessment and policy measures

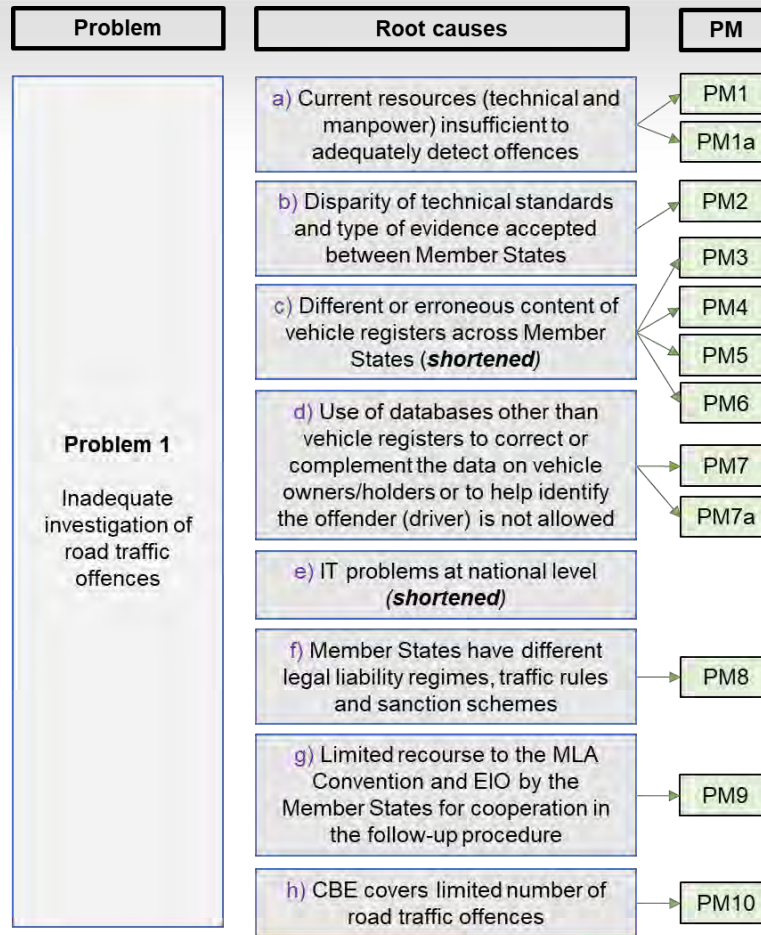


Part A: policy measures related to problems 1,3 and 4

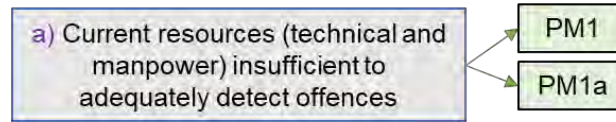
The first part (Part A) of the workshop focuses on solutions to improve:

- a) **the investigation of road traffic offences (Problem 1)**
- b) the protection of fundamental rights (Problem 3)
- c) the monitoring of the functioning of the CBE Directive (Problem 4 - contextual)

These three topics will be discussed in succession. After each topic, you will be requested to provide your input (polling questions and open discussion)

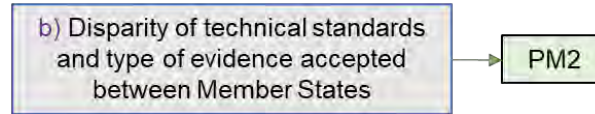


Part A: problem 1 – inadequate investigation of road traffic offences



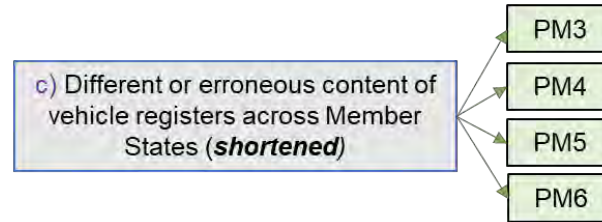
- Funding of road traffic police authorities, to improve cross-border enforcement of road traffic rules (PM1)
 - Particularly aimed at cross-fertilization actions (ROADPOL)
 - Co-financing by Member States needed
- Increase resources for road safety measures by earmarking revenues from fines (PM1a)

Part A: problem 1 – inadequate investigation of road traffic offences



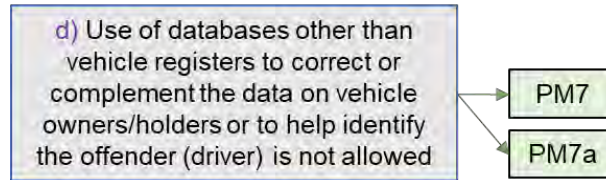
- Recommend technical standards and specifications, and methods of use, for detection equipment (PM2)

Part A: problem 1 – inadequate investigation of road traffic offences



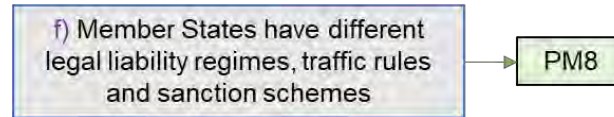
- Keep the information on previous owner/holder of a vehicle for specific time and provide/disclose it upon request (PM3)
- Harmonize the time limits for the re-registration of vehicles (PM4)
- Establish minimum mandatory data content of vehicle registers necessary for the investigation of road traffic offences (PM5)
- Allow exchange of information on the final user/keeper of the vehicle in the case where the vehicle is leased/rented, or it is a company vehicle (PM6)

Part A: problem 1 – inadequate investigation of road traffic offences



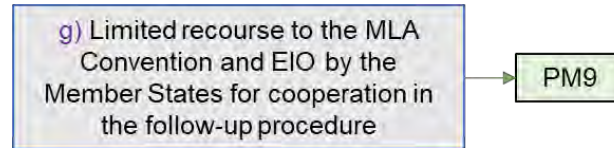
- Ensure access to other data registers (other than VRD) through one single system (PM7)
 - Such as access to RESPER, possibly SIS, ...
- Require the investigation of road traffic offences (outgoing searches/requests) to be exchanged through one system (PM7a)

Part A: problem 1 – inadequate investigation of road traffic offences



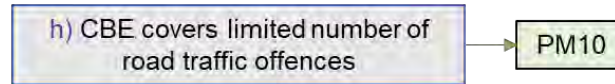
- Establish a legal liability regime at EU level for road traffic offences committed with a foreign vehicle (PM8)

Part A: problem 1 – inadequate investigation of road traffic offences



- Establish in the CBE Directive a specifically designed follow-up investigation mechanism for obligatory sharing of information aimed at better identification of the actual offender under follow-up procedures to the CBE Directive in investigation (PM9)
 - Tailor-made approach for investigation of road traffic offences – „Lex Specialis“

Part A: problem 1 – inadequate investigation of road traffic offences



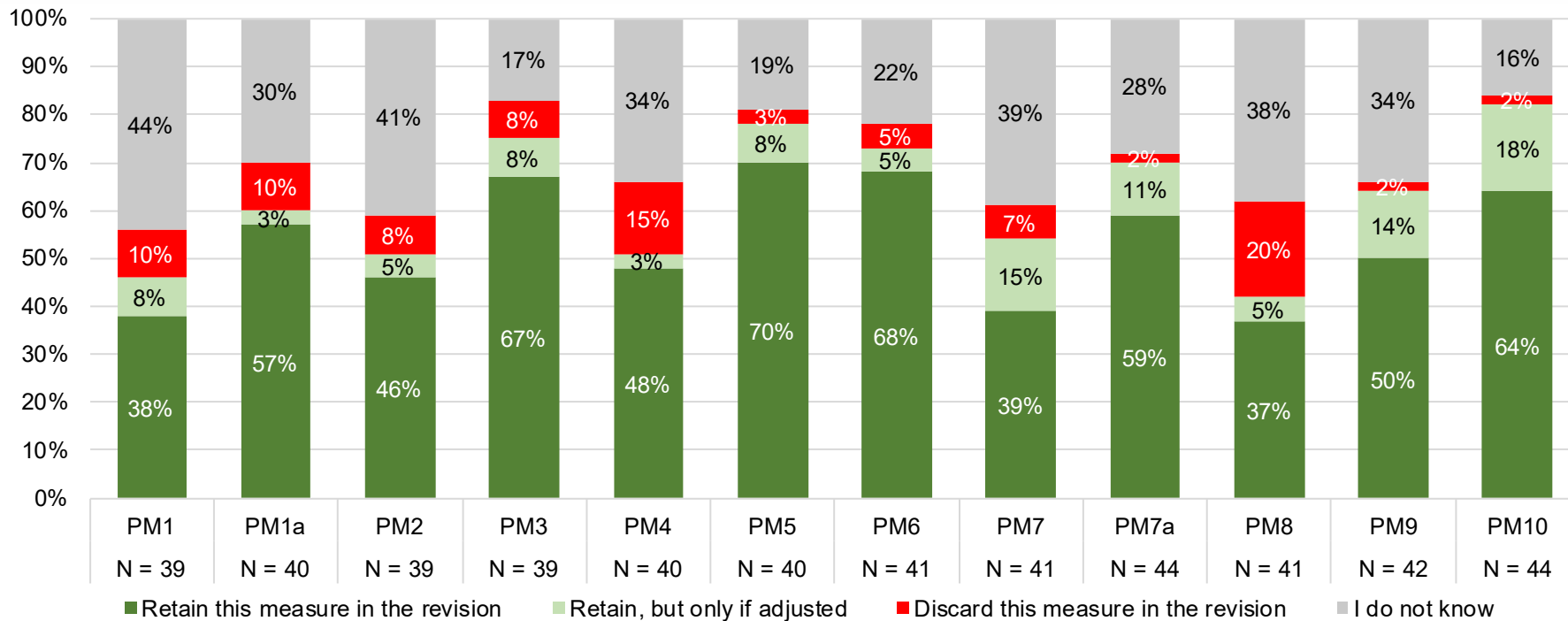
- Extend the scope of the CBE Directive to other **road safety related** traffic offences (**PM10**)
 - Not keeping sufficient distance (problematic issue), dangerous overtaking, dangerous parking, crossing white lane, driving in wrong way/emergency lane

We would like to ask you for feedback

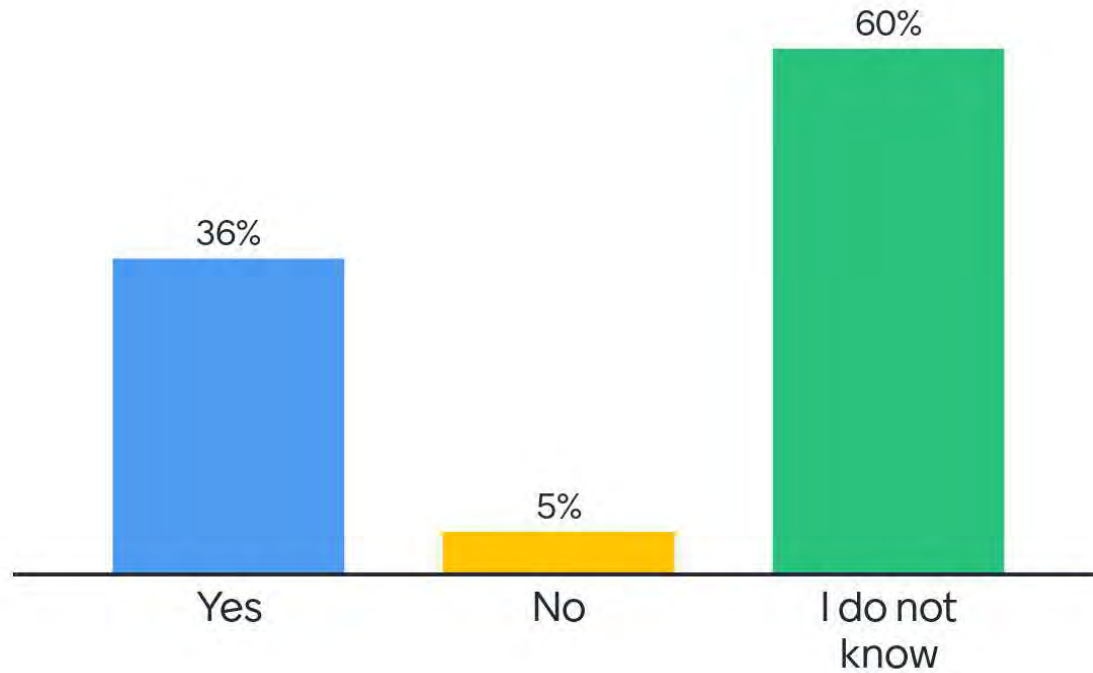
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Part A: problem 1 – inadequate investigation of road traffic offences



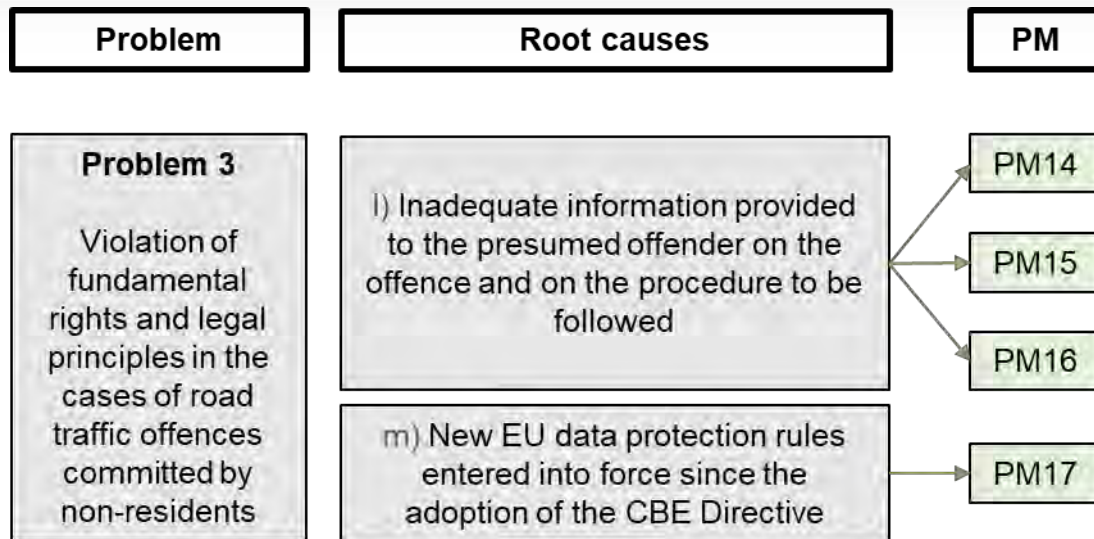
Do policy measures 1-10 offer of a complete set of possible measures to address problem 1 within the CBE Directive?



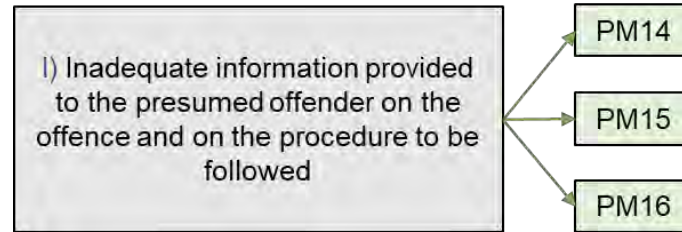
Part A: problem 3 - the protection of fundamental rights

The first part (Part A) of the workshop focuses on solutions to improve:

- a) the investigation of road traffic offences (Problem 1)
- b) the protection of fundamental rights (Problem 3)**
- c) the monitoring of the functioning of the CBE Directive (Problem 4 - contextual)

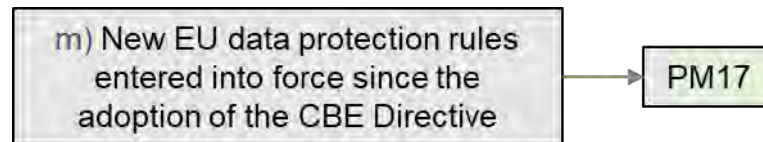


Part A: problem 3 - the protection of fundamental rights



- Establish mandatory minimum requirements for the delivery of the information on the offence, on the evidence, applicable appeal procedures and payment of financial penalties to presumed offender (PM14)
- Ensure authenticity of the information letter (penalty notice) (PM15)
- Ensure consistent and seamless language regime in the follow-up procedures to the CBE Directive (PM16)

Part A: problem 3 - the protection of fundamental rights



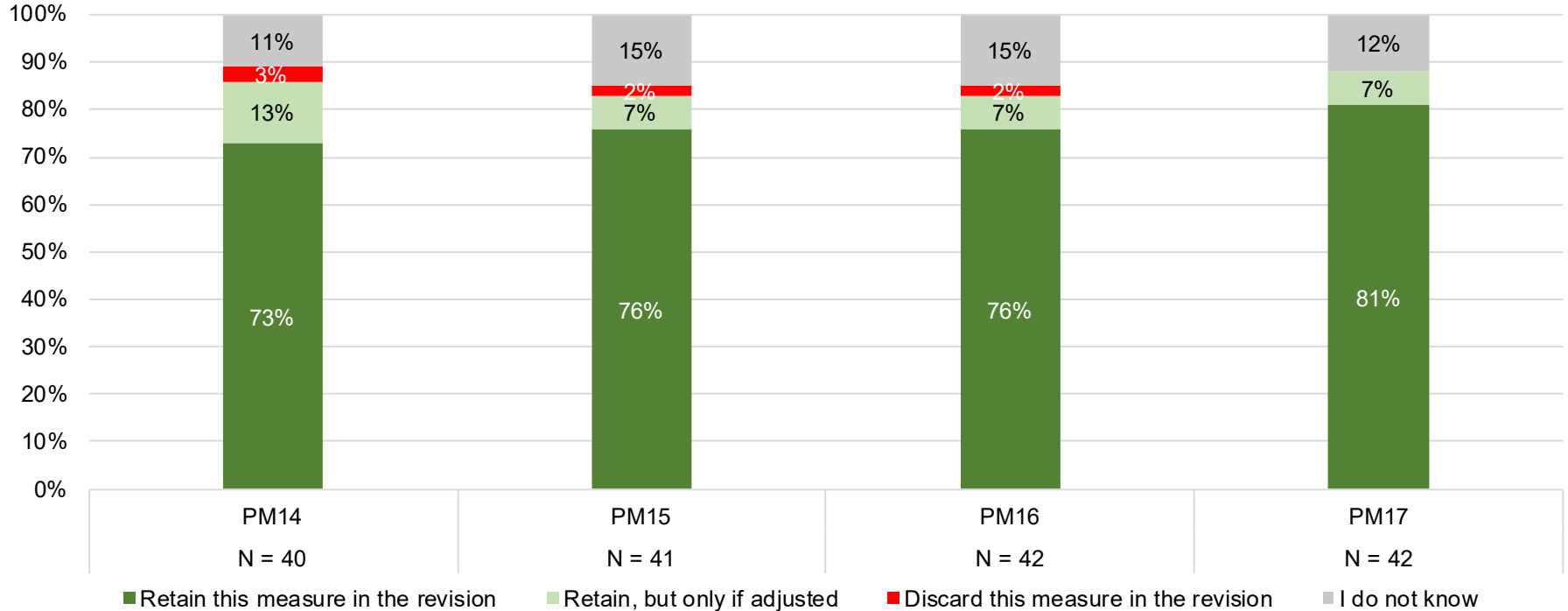
- Ensure that the information exchange under the CBE Directive complies with GDPR and LED (PM17)

We would like to ask you for feedback

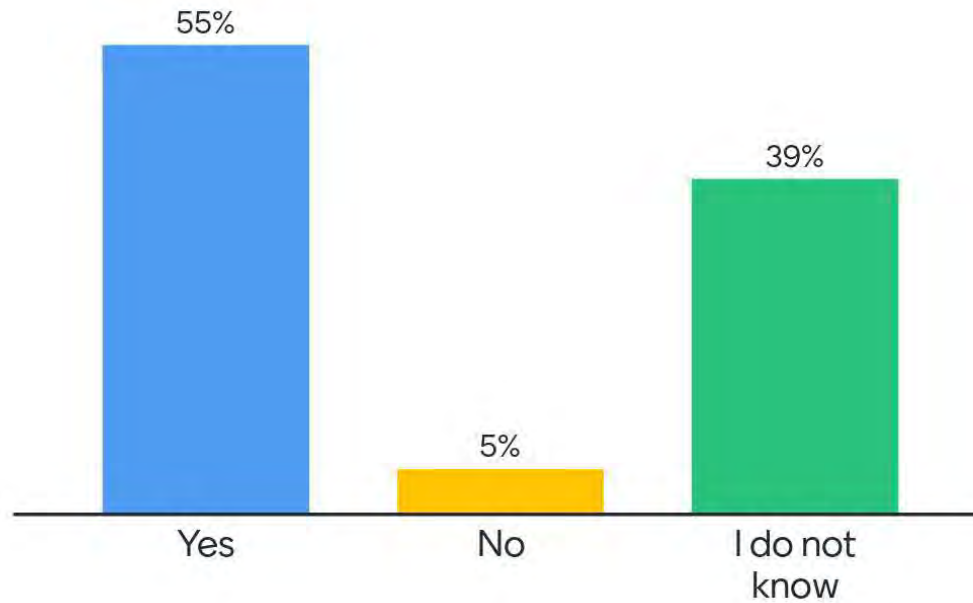
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Part A: problem 3 - the protection of fundamental rights



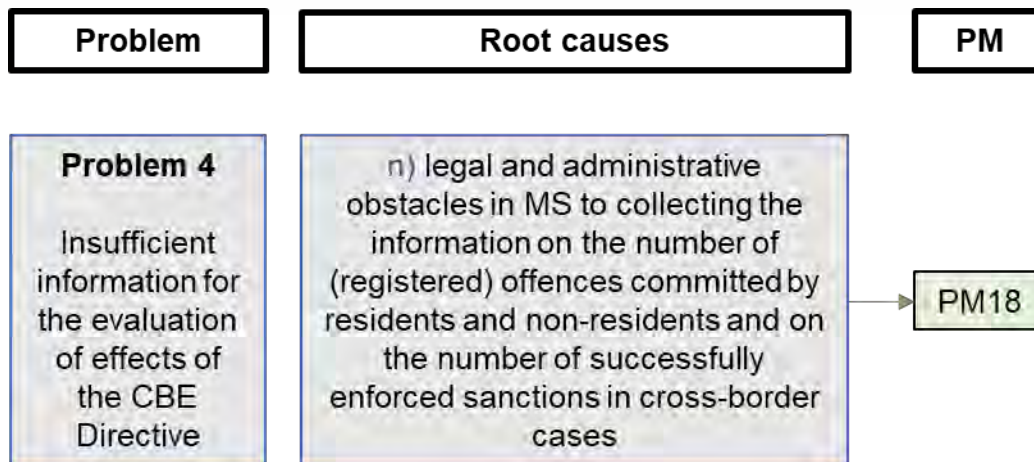
Do policy measures 14-17 offer of a complete set of possible measures to address problem 3 within the CBE Directive?



Part A: problem 4 - the monitoring of the functioning of the CBE Directive

The first part (Part A) of the workshop focuses on solutions to improve:

- a) the investigation of road traffic offences (Problem 1)
- b) the protection of fundamental rights (Problem 3)
- c) **the monitoring of the functioning of the CBE Directive (Problem 4 - contextual)**



Part A: problem 4 - the monitoring of the functioning of the CBE Directive

n) legal and administrative obstacles in MS to collecting the information on the number of (registered) offences committed by residents and non-residents and on the number of successfully enforced sanctions in cross-border cases

PM18

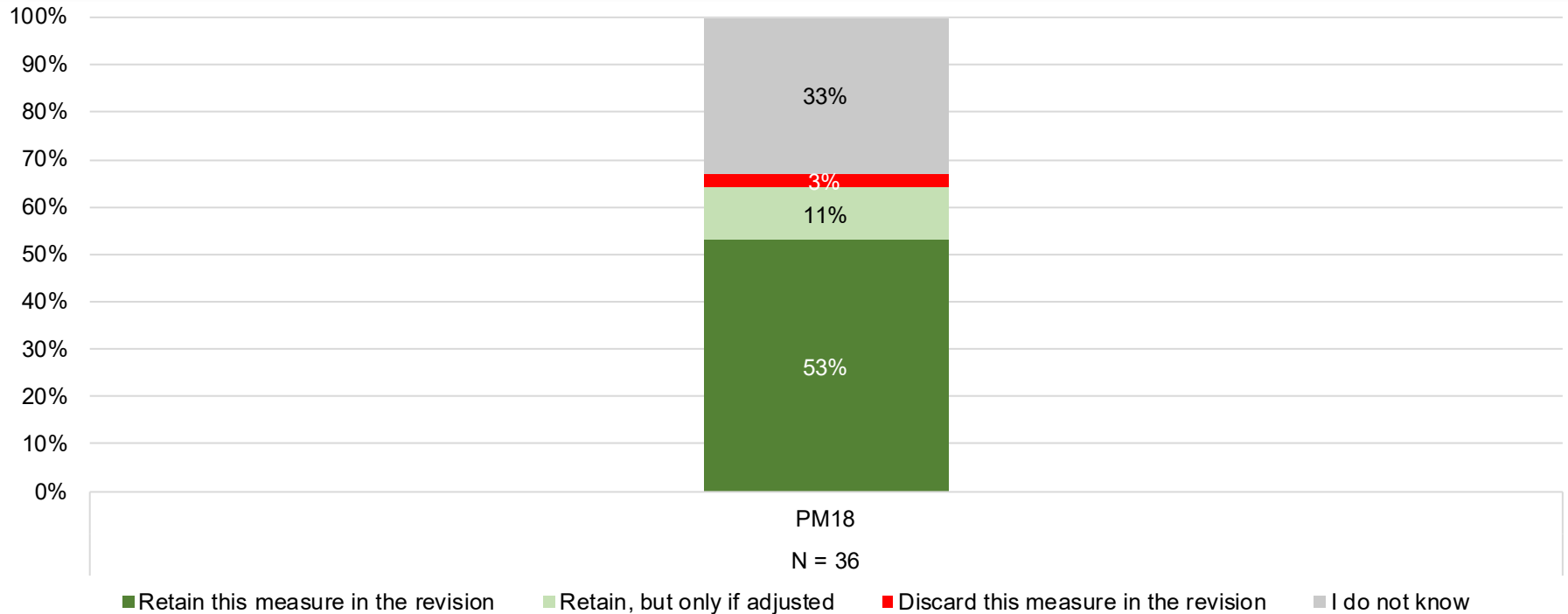
- Ensure mandatory provision of the information by Member States to monitor the functioning of the CBE Directive (PM18)
 - Specifying the data which need to be provided by Member States

We would like to ask you for feedback

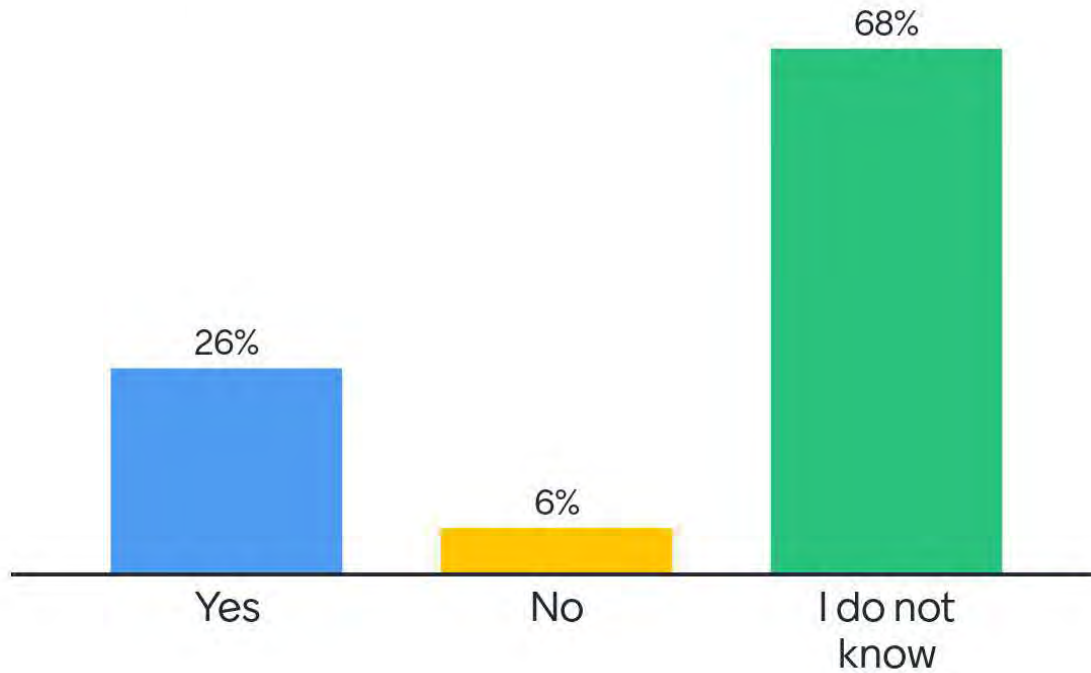
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Part A: problem 4 - the monitoring of the functioning of the CBE Directive



Does policy measure 18 offer of a complete set of possible measures to address problem 4 within the CBE Directive?



5 Minute Break



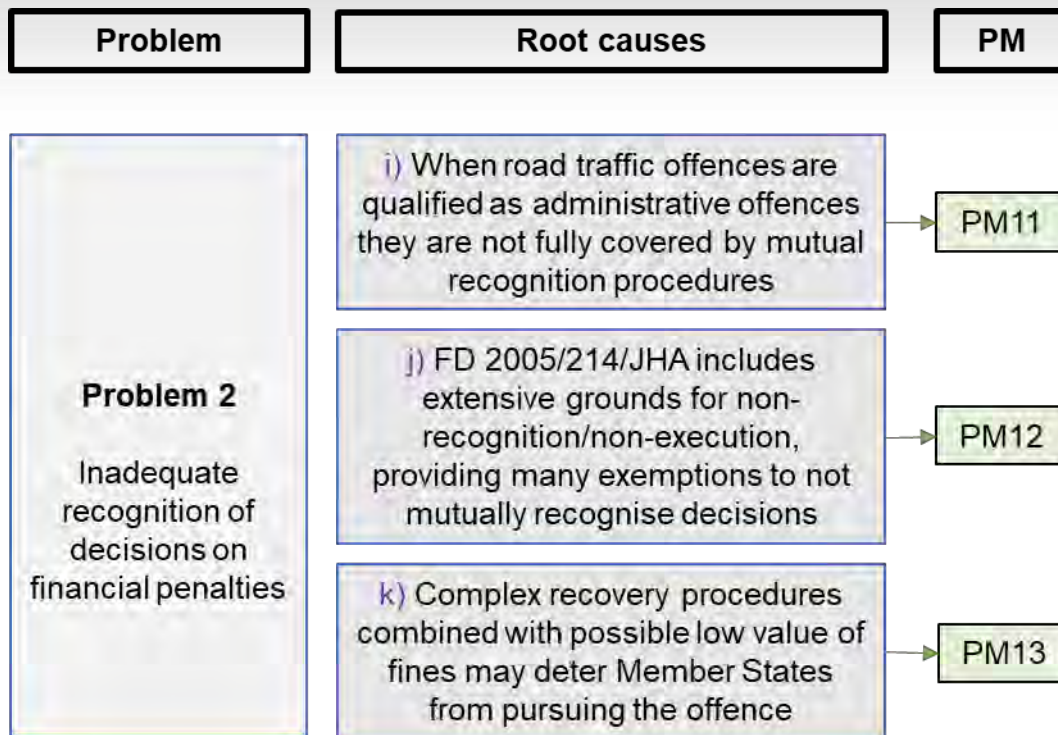
Coffee Break

Part B: problem 2 - recognition of decisions on financial penalties

The second part (Part B) of the workshop focuses on solutions to improve:

d) Mutual recognition of decisions on financial penalties

After this topic, you will be requested to provide your input
(polling questions and open discussion)



Part B: problem 2 - recognition of decisions on financial penalties

i) When road traffic offences are qualified as administrative offences they are not fully covered by mutual recognition procedures

PM11

- Establish a specifically designed mechanism similar to that of Framework Decision 2005/214/JHA, but based on a streamlined procedure (as allowed under art. 18) also to road traffic offences qualified as administrative without any conditionality related to criminal proceedings (PM11)
 - Tailor-made approach for enforcement of sanctions for road traffic offences – „Lex Specialis“

Part B: problem 2 - recognition of decisions on financial penalties

j) FD 2005/214/JHA includes extensive grounds for non-recognition/non-execution, providing many exemptions to not mutually recognise decisions

PM12

- Reduce the effects of the grounds for non-recognition/execution of decisions (PM12)

Part B: problem 2 - recognition of decisions on financial penalties

k) Complex recovery procedures combined with possible low value of fines may deter Member States from pursuing the offence

PM13

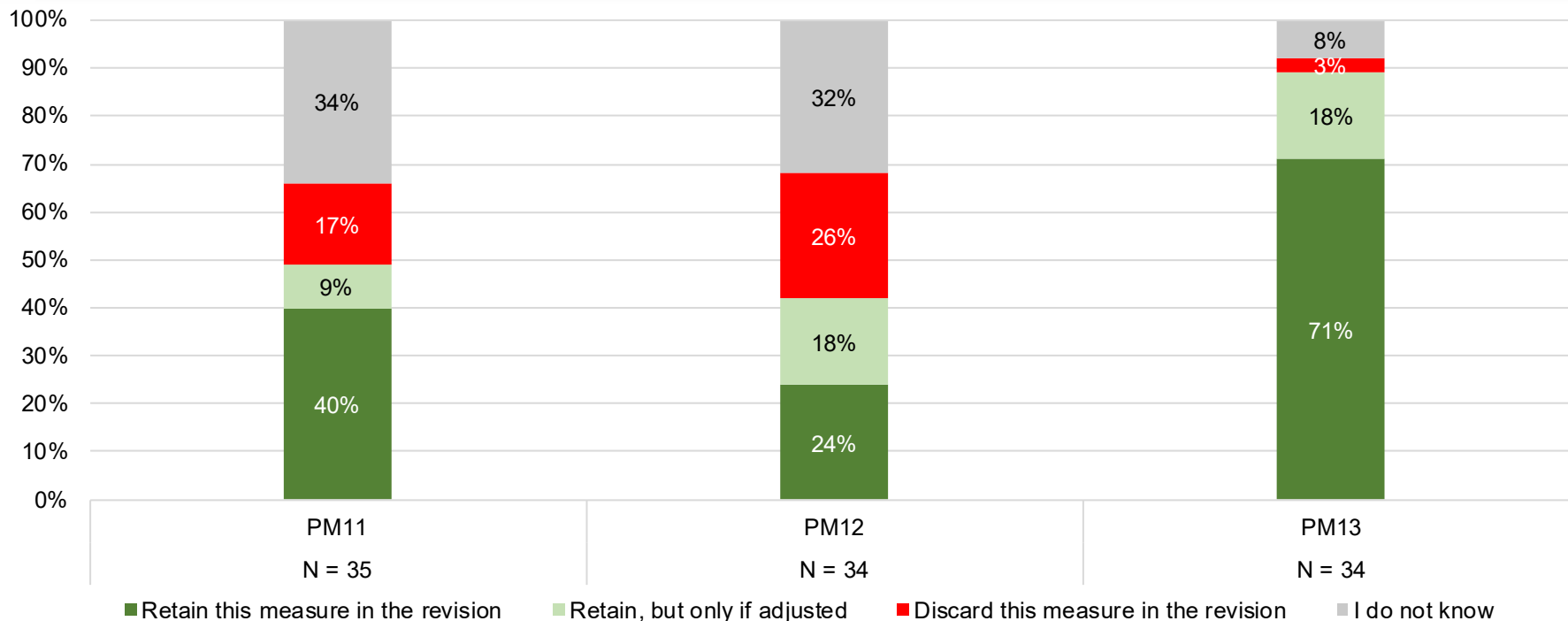
- Digitise the communication between issuing and executing state, and between presumed offender and executing state (PM13)
 - Ensure obligatory electronic exchange of standardized forms, and possibly other documents

We would like to ask you for feedback

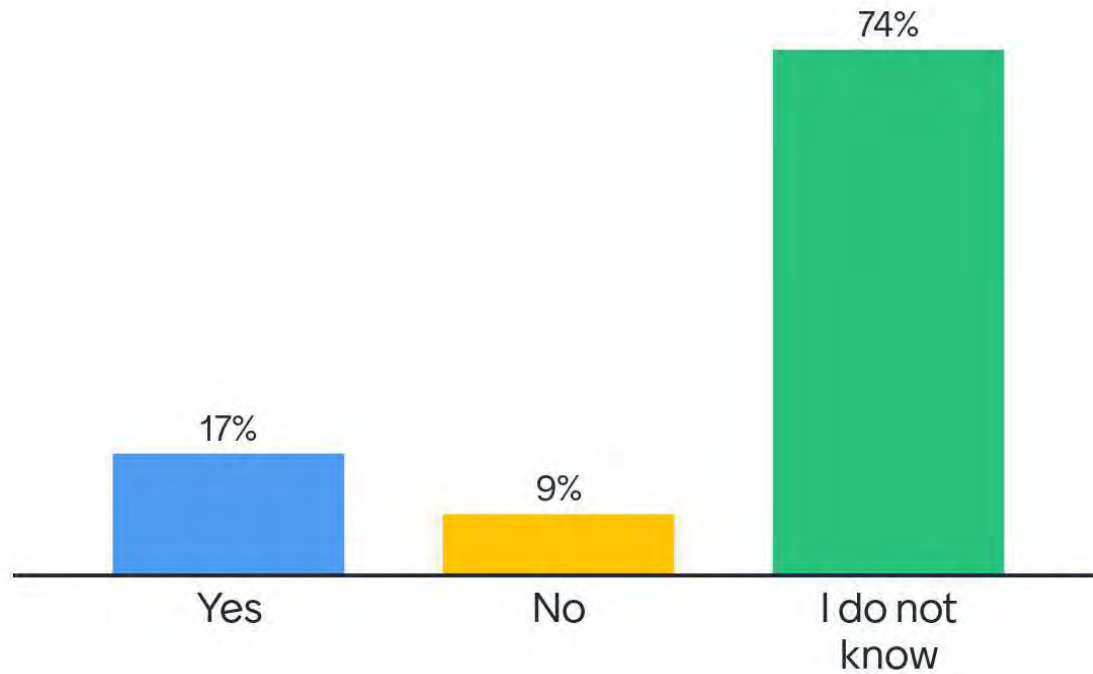
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Part B: problem 2 - recognition of decisions on financial penalties



Do policy measures 11-13 offer of a complete set of possible measures to address problem 2 within the CBE Directive?



Policy options

Policy options gradually build up ('add-ons')

Policy options

PO1: Baseline / Business-as-usual (no revision)

PO2: Improve investigation and protection of fundamental rights

PO2.A: +Extend the scope to road-safety related offences

PO2.B: +Harmonize time limits for re-registration

PO2.C: +Ensure access to other databases (besides VRD)

PO3: +Improve mutual recognition of financial penalties
(*Lex Specialis*)

| PM | PO 1 | PO 2 | PO 2.A | PO 2.B | PO 2.C | PO 3 |
|-----------|------|------|--------|--------|--------|------|
| PM1, PM1a | | X | X | X | X | X |
| PM2 | | X | X | X | X | X |
| PM3 | | X | X | X | X | X |
| PM4 | | | | X | (X) | (X) |
| PM5 | | X | X | X | X | X |
| PM6 | | X | X | X | X | X |
| PM7, PM7a | | | | | X | (X) |
| PM8 | | | | | | X |
| PM9 | | | | | | X |
| PM10 | | | X | (X) | (X) | (X) |
| PM11 | | | | | | X |
| PM12 | | | | | | X |
| PM13 | | | | | | X |
| PM14 | | X | X | X | X | X |
| PM15 | | X | X | X | X | X |
| PM16 | | | | | | X |
| PM17 | | X | X | X | X | X |
| PM18 | | X | X | X | X | X |

Quick recap – Ecorys consortium

Final words from DG MOVE

CBE Directive Impact Assessment

Expert Workshop 14th January 2021

Thank you for your participation

Should you have further questions or wish to provide additional feedback please contact us at: cbe@ecorys.com

Minutes

Expert workshop on the revision of the CBE Directive

14 January 2021, 10.00 – 13.00

Welcome

- Warm welcome to all the participants on behalf of the European Commission and the Study Team.
- Special warm welcome from Claire Depré, who wishes to use the opportunity to introduce herself as the new Head of Unit. She looks forward to the workshop and the interactions afterwards.
- The main aim of the workshop is to have an active session to discuss potential measures for the revision of the CBE Directive. This workshop builds upon the workshop held in June 2020, in which the main problems with regard to the CBE Directive were discussed. For the current workshop, participants received an information package containing background information on the identified problems and proposed measures to address these problems.
- The set-up of the workshop is as follows: for each problem, the proposed measures will be briefly presented, then participants are asked to vote whether the proposed measures should be retained, using the Mentimeter application. Afterwards, there is room for discussion. Besides providing input during the meeting, participants can also contact the Study Team via cbe@ecorys.com to send any further inputs.

Introduction to the study

- Five main problems were identified. These are briefly introduced by DG MOVE.
- It will be difficult to include some aspects into the current revision of the CBE Directive, such as UVAR-related offences or parking fees, as well as several road safety related offences (in particular overloaded vehicles, as the problem is linked to the application of Directive 96/53/EC that requires further assessment). It appears that these aspects should be addressed in their own legal acts or in new possible legal initiatives.
- It also appears that the problems related to driving disqualifications would be better addressed either in the Driving Licence Directive or via *lex specialis*.
- It should be noted that no firm decisions on the content of the revision have been made yet. What is presented today are the results of the analysis, which are open for discussion. The Commission is seeking confirmation and argumentation. Doors are not closed at this stage in the impact assessment.
- The *Ministry of Interior of France* states that it is important to include as much road safety related offences as possible in the scope of the CBE Directive, including UVARs related offences and non-payment of parking fees. The extension of the scope of the CBE Directive is considered as the most important issue. If the scope is not extended or if there is not a clear plan on how to ensure the exchange of information on other offences as requested, France will not support the initiative. It would be appreciated that the Commission organises another expert meeting on this issue specifically.

Discussion problem 1 – inadequate investigation of road traffic offences

- DG MOVE provided a brief overview of the proposed policy measures to address problem 1.
- The overview of the outcomes of the Mentimeter is presented to the participants.
- The *RDW (EUCARIS Secretariat)* indicated that it is surprising that many offences are deemed out of scope of the Directive (e.g. environmental zones), while many measures included relate to vehicle registration. However, vehicle registration itself falls outside the scope of the Directive. Currently no EU law is available that regulates vehicle registration (although such

legislation would be welcome). Many of the current measures should be included in a new legal act and not in the CBE Directive. The CBE Directive should be used for information exchange on vehicle registration, however, should not regulate which information should be included in the register.

- Reaction of *DG MOVE* is that the proposed measures do not aim to harmonise the content of the registers. The main problem is that the data listed in the CBE Directive are in reality optional, so they might be missing in some registers. Basic/minimum data set necessary for the investigation of road traffic offences should become available in all Member States. It is important to harmonise the data storage/retention periods (i.e. how long should the data on previous vehicle owners/holders be available in the national databases, taking into account the deadlines for sending penalty notices etc.).
- *Leaseurope* states that low emission zones and access to them are becoming rapidly important. Currently it is unclear to Leaseurope how to deal with fines in case these fines are sent to rented or leased cars. The rules per low emission zone are different, so for each and every zone new questions arise. Harmonisation of the rules for these zones is needed as the number of zones is increasing rapidly and the complexity of the rules increases as well.
- *The Ministry of Czech Republic* states that offences related to vehicle access restrictions and overloading should be included in the scope of the CBE Directive. In the Czech Republic such offences create many problems.
- The *Dutch Ministry of Justice* supports the opening statement of the Ministry of Interior of France and is of the opinion that more offences should be included in the scope of the CBE Directive. In addition, the Ministry also supports the RDW (EUCARIS Secretariat) in the statement that the content of vehicle registers should be discussed elsewhere.
- The *Federal Public Service for Mobility (Belgium)* states that as many offences as possible should be included in the CBE Directive. If there is an overlap between the CBE Directive and other legislation (both EU and national) this should be examined. However, something needs to be done on the EU level. In addition, the Commission could play a role in the translation of documents that need to be sent.
- *DG MOVE* indicates that it is interesting to see that the scope of the Directive seems more important for participants than the problems related to driving qualifications, or other relevant aspects of the revision. The aim of this impact assessment is to improve road safety. It is not focused on other road traffic or transport related offences. It should be noted that the Commission cannot do everything in one go. The Commission is willing to discuss other offences as well, however these should become part of other impact assessments. However, nothing is decided yet and the Commission is still mapping possible policy options. The key message is to analyse how to be more effective in order to make roads safer. The Commission looks to the topic in an open minded and transparent manner.
- *ETSC* favours to include driving disqualification/non-financial penalties, because of the deterrent effect of those measures. It is important to encourage people not to commit an offence. Extension of the scope is welcome in case it is road safety related. ETSC wishes to know what is meant by soft measures under PM2 (harmonization of technical standards, specifications and methods of use for detection equipment e.g. traffic cameras).
- *DG MOVE* explains that soft measures are soft law and it means that recommendations are considered for technical standards and specifications, as well as the methods of use. Recommendations are considered as soft rules, in this context. If obligatory rules are introduced it would have a significant impact also on public procurement, therefore issuing recommendations is more appropriate.
- The *Ministry of Interior of France* understands that there are legal issues regarding extending the scope of the Directive. In France, however, majors of towns and cities (municipal authorities) put political pressure on the government to enforce more offences in a similar way, especially related to UVARs. Stakeholders know there is the CBE Directive and they do not

understand why they cannot use it for penalising foreign offenders. The Ministry is pleased to see the open mind of the Commission. Lastly, the Ministry states that driving disqualification is very important for France. If one wants to make roads safer, one also needs the recognition of disqualifications.

- The *Romanian police* indicates that from the police point of view it is important to find a way to impose driving disqualifications all over Europe. Only Switzerland and Sweden are currently recognising Romanian driving disqualifications. Under Romanian law, it is possible to impose and recognise driving disqualification for some infringements. In addition, Romania applies the European Convention on the International Effects of Deprivation of the Right to Drive a Motor Vehicle of 1976 (Treaty 088) of the Council of Europe. Every country can be a member to this Convention and can help to recognise driving disqualifications. Parking offences also need to be taken into account.
- *DG MOVE* states that the main discussion so far relates to those aspects that the Commission intends to exclude from the current study. There are limits to the revision and it should be noted that the CBE Directive cannot be used to solve all problems. Although the Directive does not provide the legal base for some of the indicated problems, it does not mean that those problems will be swept under the carpet. Solutions will be sought.

Discussion problem 3 – the protection of fundamental rights

- DG MOVE provides a brief analysis of the proposed policy measures to address problem 3.
- The overview of the outcome of the Mentimeter is presented to the participants.
- The *RDW (EUCARIS Secretariat)* highlights the importance of policy measure 17 (personal data protection – application of GDPR and LED). RDW indicates that it is necessary that the reference to data protection in the CBE Directive is aligned with the current legal situation. However, several provisions of the Prüm Decisions are still relevant, and therefore the entire reference to the decisions should not be removed. In addition, special attention is needed to car rental and lease companies. They provide services for their clients. They are included in information chains and have access to personal data. Some provisions should be included on this in the CBE Directive in order to guarantee data protection.
- The *Ministry of Interior of France* states that in France, notifications are translated to the language of the offender. All relevant information is included in the notification. The rights of the offender are sufficiently protected. However, it is important to protect the fundamental rights in general as well. The offender constitutes a general danger to citizens. In the relevant UN ECE working group, debates are ongoing to make roads safer and that this is a fundamental right for all in the world. It should be noted that the second part of the procedure, when the offender refuses to pay a penalty, is not covered by the CBE Directive. In such case, documents are not translated. There are 4 million foreign offenders per year, which gives a huge burden on translation services.
- The *Dutch Ministry of Justice* requires that authenticity of both the information letter/penalty notice and the envelope are ensured.
- *DG MOVE* responds that authenticity issues could be easily addressed. In response to the RDW, DG MOVE indicates that it might be a solution to decouple the CBE Directive from the Prüm Decision and only include reference to the GDPR and LED.
- *RDW (EUCARIS Secretariat)* would like to react further on removing the reference to the Prüm Decision. The most important element is the reference to use the EUCARIS software for the exchange of information. At the moment, it is mandatory to use a single system for the exchange of information. If the reference is removed, it becomes possible for Member States to use different mechanisms which leads to a less harmonised approach.
- The *Federal Public Service for Mobility (Belgium)* states that in Belgium, the notices are available in 23 languages, so it is possible to send the notice in the national language of the offender. Thus, the support of the Commission regarding the translation of answers and

responses would be welcome. It was a huge job for Belgium to translate all the initial penalty notices/information letters.

Discussion problem 4 – insufficient information for monitoring the functioning of the CBE Directive.

- DG MOVE provides a brief overview of the proposed policy measures to address problem 4.
- The overview of the outcomes of the Mentimeter is presented to the participants.
- *ETSC* states that monitoring the functioning of the CBE Directive is important for any future initiative in terms of monitoring progress and the road safety impact of the initiatives, as well.

Coffee break

Discussion problem 2 – recognition of decisions on financial penalties.

- DG MOVE briefly outlines the proposed policy measures to address problem 2.
- The overview of the outcomes of the Mentimeter is presented to the participants.
- The *General Department for Traffic Spain* indicates that policy measure 11 (i.e. establishment of a specifically designed mechanism similar to that of Framework Decision 2005/214/JHA, but based on a streamlined procedure – *lex specialis*) is very important as many offences in Spain are administrative offences. This policy measure enables Spain to enforce offences. Under the current EU system based on criminal matters, it is not possible to mutually recognize financial penalties. Therefore, Spain fully agrees with this measure.
- *RDW (EUCARIS Secretariat)* asks whether it is possible to consider the possibility to transfer the whole evidence on the offence to the country where the offender has residence to avoid entirely the problems related to the application of Framework Decision 2005/214/JHA, RDW is aware that this might pose legal problems, however such an exchange also has some large advantages.
- The *Czech Ministry of Justice* supports measures aimed at introducing *lex specialis* for the follow-up in the investigation mechanism and enforcement of financial penalties. Moreover, the European Arrest Warrant is "no go" solution, as this is an instrument which can only be issued for criminal offences.
- The *Federal Office of Justice (Germany)* states that of all (approx. 160 000) incoming requests to Germany, the majority come from the Netherlands (99.8%) as practically only this country sends them. It seems that many Member States do not send such requests because they have problems in identifying the driver and/or having problems in the follow-up of the process. There are problems in establishing the whereabouts of the offender and often the offender does not have the means to pay. These issues should be addressed before adopting any new legislation. The current CBE Directive still has enough challenges. The most relevant policy measure is the one on digitising information (policy measure 13). The other policy measures (11 and 12) are not relevant for the revision of the CBE Directive.
- The *Dutch Ministry of Justice* supports Germany's statement. There is no need for a new instrument. The suggestion made by the RDW is interesting. This is something that should be considered in the revision.
- The *Federal Office of Justice (German)*y states this is an interesting idea, however it might pose problems as for instance Germany cannot prosecute offences committed abroad. There is no jurisdiction.
- The *Czech Ministry of Justice* also indicated that in the Czech Republic, issues arise with legal grounds. The system of recognition and execution according to FWD 2005/214 is not beneficial for all Member States regarding road traffic penalties. There is a definition of "decisions" which can be recognized under this instrument. However, the Czech administrative decisions do not follow this definition, especially including those for road traffic offences. Therefore, the Czech

authorities cannot send the decisions to be recognized abroad, but only recognize those sent to CZ that is unfair (no equal treatment).

- **DG MOVE** wishes to indicate that there are two possible systems. The first is indirect enforcement where all evidence on the offence is transferred to the Member State in which the offender resides. The second is direct enforcement where the Member State in which the offence is committed follows up. The latter is based on mutual trust. Direct enforcement is the basis for the CBE Directive; it is a modern system which should be preferred.
- The **German police** states that in a unified Europe, it is difficult to understand why fundamental rights are defined differently. Especially in the case of measures that serve to protect life and physical integrity, priority should be given here. A standardisation based on the European Convention on Human Rights seems appropriate.
- The **Ministry of Interior of France** indicates that the Framework Decision does not really work for the issue at hand. A lot of requests fail, which is due to the Decision. France has a question for the Commission whether there is already a draft proposal for the *lex specialis* in this field or whether it is just an idea.
- **DG MOVE** states that all options are open. There is no legal text for *lex specialis* available, as of now.
- The **Dutch Ministry of Justice** informed that FR, ES, BE and NL are working together in METIS Pilot (mutual recognition through intervision studies) funded by the Commission Framework Decision 2005/214.
- The **Austrian Ministry of Interior** wishes to highlight that Austria has established with some other countries a *lex specialis* via-the Salzburg forum CBE Agreement. This agreement allows for a high level of digitalisation and reaps results. It includes measures on investigation (identification address, drivers) as well as translation of documents included. Last year more than 1000 Austrians have paid their fines for Hungarian offences. The system is working. It would be worth to focus on digitising. It would solve many issues and Member States can be indeed effective.
- **DG MOVE** states that it would not be so easy to apply such an agreement at EU level, since for example Member States with strict driver liability legal regime could have certain problems with the scope of the Agreement.
- The **Federal Office of Justice (Germany)** emphasised that the practical solutions are already available to address the problem of mutual recognition of financial penalties. Under their agreement, Germany and the Netherlands use e-CODEX for electronic exchange of information. It works properly, so this could be a solution.
- The **General Department for Traffic Spain** indicates that all subjects discussed today are important. Therefore, it would be good to take sufficient time to discuss them. It is also important to do so in person.
- **DG MOVE** pinpoints this statement and indicated that additional talks will follow.

Quick recap by the Study Team

- The day's workshop allowed for a very active discussion on the topic. It should be noted that policy measures are not carved in stone. It was made clear by participants where the sensitive issues are and where revision is possible. For the Study Team, this is important input and all responses are very valuable. Moreover, it is appreciated if the Team can have some follow up discussions with the participants. Also, a second survey will be sent out in the coming weeks.

Closing remarks by the Commission

- Topics to be discussed need to be grouped in three areas: (1) offences included, (2) points related to more efficient implementation of the current provisions (including digitalisation) and (3) need to go beyond the current mechanism/procedures established by the CBE Directive.
- A pragmatic approach is needed. Building up on existing procedures is important.

- The aim is to have an instrument that enables Member States to do properly their enforcement activities.

Stakeholders are requested to support the consultants with their work. This exercise is based on the Better Regulation Guidelines (evidence-based policy making/regulation), which will determine all the possible policy options.

Annex VI – Survey on UVARs

In the first months of 2021, the Contractor (at the request of the Commission) carried out an additional research on the implementation of UVAR schemes in Europe. The main focus was on the number of (detected) offences, that are committed by drivers in foreign registered vehicles, and the applicable sanction schemes. Moreover, respondents were asked on how information was provided to (non-resident) offenders, that might be unfamiliar with the applicable rules concerning UVARs.

The survey was directed to public authorities, mainly on the municipal level. Moreover, a tailored set of questions was sent to road user associations. The outputs of the survey are presented below.

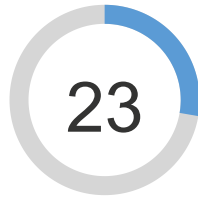
Besides the survey outputs, Romania, ADAC and Germany provided some written responses, that are also attached.

Collecting evidence for policy making - Survey on UVARs

Respondents

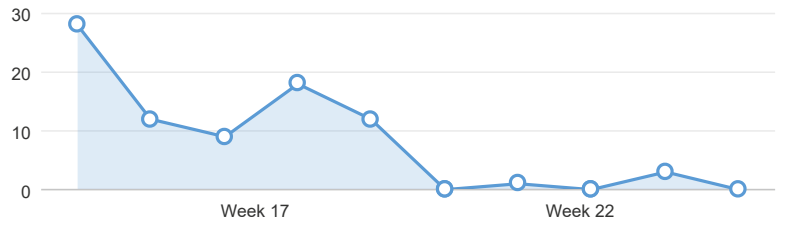


Reached end



28%

Response timeline



N 83

Identification questions

Which country are you located in?

| | Count | % of responses | % |
|-------------|-------|----------------|-----|
| Ireland | 10 | | 12% |
| Denmark | 7 | | 8% |
| Hungary | 7 | | 8% |
| Netherlands | 7 | | 8% |
| Belgium | 6 | | 7% |
| Germany | 6 | | 7% |
| Czechia | 5 | | 6% |
| Austria | 4 | | 5% |
| Slovakia | 4 | | 5% |
| Switzerland | 4 | | 5% |
| Finland | 3 | | 4% |
| France | 3 | | 4% |
| Portugal | 3 | | 4% |
| Spain | 3 | | 4% |
| Luxembourg | 2 | | 2% |
| Poland | 2 | | 2% |
| Greece | 1 | | 1% |
| Italy | 1 | | 1% |
| Malta | 1 | | 1% |
| Romania | 1 | | 1% |









N 83

Which country are you located in? - Other, please specify

| Other, please specify | Report |
|-----------------------|-------------------|
| Test | ↗ |

N 1

What type of organisation do you represent?

| | Count | % of responses | % |
|---|-------|---|-----|
| Ministries of Transport | 30 |  | 36% |
| Transport authorities/Public Transport authorities | 9 |  | 11% |
| Ministries of Interior | 9 |  | 11% |
| Police authorities | 10 |  | 12% |
| Municipal authorities (authorities of towns, cities and metropolitan areas) | 10 |  | 12% |
| Associations of municipalities (NGO) | 1 |  | 1% |
| Road users associations, automobile clubs, driver association | 5 |  | 6% |
| Other, please specify | 9 |  | 11% |

N 83

What type of organisation do you represent? - Other, please specify

| Other, please specify | Report |
|---|-------------------|
| Association, Public Transport | ↗ |
| Vehicle Leasing and Rental association | ↗ |
| Sector Association | ↗ |
| test | ↗ |
| ASOCIACION DE ARRENDADORES DE VEHICULOS SIN CONDUCTOR | ↗ |
| Test | ↗ |
| Polizeigewerkschaft | ↗ |
| pm | ↗ |
| Firme | ↗ |

N 9

What is the name of your organisation?

What is the name of your organisation?



What is the name of your organisation?

| What is the name of your organisation? | Report |
|---|------------------------|
| Traffic Directorate, within the General Inspectorate of the Romanian Police | Report |
| Délégation à la sécurité routière / Road Safety Department | Report |
| Federal Ministry of transport and digital infrastructure (Bundesministerium für Verkehr und digitale Infrastruktur) | Report |
| Ministry of Infrastructure & Transport | Report |
| Polis | Report |
| Cork City Council | Report |
| RDW | Report |
| RDW | Report |
| Police Force HQ, Traffic Police Department | Report |
| the Swedish Transport Agency | Report |
| An Garda Síochána | Report |
| Autoridade Nacional de Segurança Rodoviária - National Road Safety Authority | Report |
| General Inspectorate of Road Transport | Report |
| Ministry of transport | Report |
| National Police Board | Report |
| dgt | Report |
| The Ministry of Transport and Communications of Finland | Report |
| International Road Transport Union (IRU) | Report |
| BOVAG | Report |
| National Headquarters of the Hungarian Police | Report |
| Renta | Report |
| Portuguese Association of Leasing, Factoring and Renting (ALF) | Report |
| Gemeente Enschede | Report |
| Cork City Council | Report |
| Gemeente Utrecht | Report |
| test | Report |
| Bundesamt für Strassen ASTRA | Report |
| VD | Report |
| Wicklow County Council | Report |
| Ministère de la mobilité et des travaux publics | Report |
| Federal Ministry for Climate Action, Environment, Energy, Mobility, Innovation and Technology | Report |
| Czech leasing and finance association | Report |
| ASOCIACION ESPAÑOLA DE LEASING Y RENTING | Report |
| Donegal County Council | Report |






| What is the name of your organisation? | Report |
|---|-------------------|
| Cork County Council | ↗ |
| Mayo County Council | ↗ |
| Dublin City Council | ↗ |
| Ministry of transport | ↗ |
| Ministry of transport | ↗ |
| Deutsche Polizeigewerkschaft (DPoIG) | ↗ |
| DGT | ↗ |
| Ministry of Infrastructure | ↗ |
| Authority for Transport in Malta | ↗ |
| Road Safety Department | ↗ |
| Federal Roads Office | ↗ |
| pm | ↗ |
| Ministry of Transport and public works | ↗ |
| Federal public service Mobility and Transport | ↗ |

Part 1 of 2

N 48

N 48

What is the geographical level of responsibility of your organisation?

| | Count | % of responses | % |
|---------------------------|-------|--|-----|
| National level | 64 |  | 77% |
| Local level /municipality | 9 |  | 11% |
| Sub-national/state level | 4 |  | 5% |
| European level | 2 |  | 2% |
| Other, please specify | 4 |  | 5% |

N 83

What is the geographical level of responsibility of your organisation? - Other, please specify

| Other, please specify | Report |
|---|-------------------|
| test | ↗ |
| Local authority for county | ↗ |
| Cork County excluding Cork City and it's environs | ↗ |
| Regional level | ↗ |

N 4

What municipal authorities / cities do you represent?

What municipal authorities / cities do you represent?

county wicklow
cork council
 city

What municipal authorities / cities do you represent?

| What municipal authorities / cities do you represent? | Report |
|---|-------------------|
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| https://www.polisnetwork.eu/who-we-are/members/ | ↗ |
| Cork City Council | ↗ |
| | ↗ |
| | ↗ |
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| Enschede | ↗ |
| | ↗ |
| Cork City Council | ↗ |
| Gemeente Utrecht | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Wicklow County Council, Arklow, Bray, Blessington, Greystones and Wicklow Municipal Districts | ↗ |
| | ↗ |

| What municipal authorities / cities do you represent? | Report |
|---|-------------------|
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Donegal County Council | ↗ |
| Cork County Council | ↗ |
| | ↗ |
| | ↗ |
| Dublin City Council | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |

Part 1 of 4

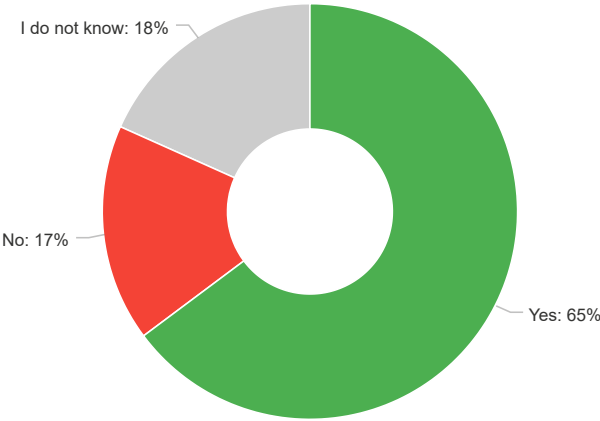
N 10

N 83

Questions on Uvars








Typology

Do you have UVARs in your country?









N 71

What type of UVARs are applied in your country? If you have multiple different schemes in different municipalities and/or different schemes within one municipality, kindly choose all the relevant types.

| | Count | % of responses | % |
|--|-------|---|-----|
| Low Emission Zones (LEZ) | 25 |  | 49% |
| Access Regulations or Key ARS (urban area where access is regulated with methods other than payment and is not linked to environment protection) | 22 |  | 43% |
| I do not know | 12 |  | 24% |
| Emergency Air Pollution Schemes | 7 |  | 14% |
| Other, please specify | 7 |  | 14% |
| Zero Emission Zones (ZEE) | 5 |  | 10% |
| Urban Toll Schemes / Congestion Charging Schemes (CS) | 3 |  | 6% |

N 51








What type of UVARs are applied in your country? If you have multiple different schemes in different municipalities and/or different schemes within one municipality, kindly choose all the relevant types. - Other, please specify

| Other, please specify | Report |
|---|---|
| ZEZ are theoretically applicable, but it is not sure that a ZEE does exist for real in France |  |
| pedestrian zones with managed access |  |
| Pedestrian zones, Bus lanes/streets, Parking restrictions |  |
| None of the above |  |
| Parking Bye Laws, Speed Limits, |  |
| Weight restrictions on certain bridges. |  |
| We dont have. |  |

N 7


Key ARS

You stated that Key-ARS are adopted in your country, what type of Key-ARS are in place in your municipalities/ in your country?

| | Count | % of responses | % |
|--|-------|---|-----|
| Limited Traffic Zones | 13 |  | 72% |
| Pedestrian Zones | 12 |  | 67% |
| Areas/zones with restrictions for vehicles of particular weight/category (e.g. lorry or truck, bicycle, ...) or for specific trips (e.g. delivery, emergency, ...) | 10 |  | 56% |
| Access/delivery time windows | 10 |  | 56% |
| Traffic bans | 10 |  | 56% |
| Areas/zones with specific technical requirements for vehicles | 7 |  | 39% |
| Other, please specify | 1 |  | 6% |
| I do not know | 0 | | |











N 18

You stated that Key-ARS are adopted in your country, what type of Key-ARS are in place in your municipalities/ in your country? - Other, please specify

| Other, please specify | Report |
|--|--|
| Residential area ('zone de rencontre') |  |

N 1

Are there vehicles exempted from Key-ARS applied in your municipalities/municipalities?

| | Count | % of responses | % |
|--|-------|--|-----|
| Emergency vehicles (e.g. ambulances, fire trucks, police vehicles) | 11 |  | 61% |
| Local public transport | 11 |  | 61% |
| Residents | 8 |  | 44% |
| Vehicles driven by or for persons with disabilities | 7 |  | 39% |
| Other, please specify | 5 |  | 28% |
| Diplomatic vehicles | 3 |  | 17% |
| Military transport | 2 |  | 11% |
| Historic vehicles | 2 |  | 11% |
| Construction vehicles | 2 |  | 11% |
| No, we have no exemptions | 1 |  | 6% |

N 18

Are there vehicles exempted from Key-ARS applied in your municipalities/municipalities? - Other, please specify

| Other, please specify | Report |
|---|-------------------|
| No information provided | ↗ |
| Residents : for pedestrian zones only. Emergency Vehicules : only if using their lights and sirens | ↗ |
| Additional commentary: Those exemptions can be granted trough additional road signs (Zusatzzeichen). Furthermore it is possible to exempt certain persons trough special permits. | ↗ |
| There are restrictions for big trucks in some big cities' centres. However, there is a possibility to apply for a special permission to enter. | ↗ |
| Any other which have permission. E.g. shopowners in the zone, garbage trucks, market, network (electricity, gas, water, data) services, ... | ↗ |

N 5







































Are Key-ARS implemented in your municipality/municipalities/country also applied to foreign vehicles? Why (not)



N 18

Are Key-ARS implemented in your municipality/municipalities/country also applied to foreign vehicles? Why (not)

| Are Key-ARS implemented in your municipality/municipalities/country also applied to foreign vehicles? Why (not) | Report |
|---|-------------------|
| No information provided | ↗ |
| Yes | ↗ |
| Yes. In general the road traffic regulations apply to all road users equally to guarantee the safety and order of the road traffic. | ↗ |
| | ↗ |
| | ↗ |
| Yes | ↗ |
| | ↗ |
| | ↗ |
| yes | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |

| Are Key-ARS implemented in your municipality/municipalities/country also applied to foreign vehicles? Why (not) | Report |
|---|---|
| |  |
| |  |
| |  |
| |  |
| YES |  |
| Yes. |  |
| |  |
| |  |
| |  |
| |  |
| Yes |  |
| |  |
| |  |
| Yes, it applies to all vehicles. |  |
| |  |
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| |  |
| No differentiation between local and foreign vehicles. |  |
| |  |
| |  |
| |  |
| |  |
| Yes, of course. Who would exempt foreign vehicles from pedestrian areas? |  |
| |  |
| yes |  |
| A TODOS |  |
| |  |
| |  |
| |  |
| |  |
| YEs |  |
| |  |
| |  |
| No differentiation between local an foreign vehicles is intended by Swiss law, so ARS are also applied to foreign vehicles. |  |
| |  |

Is it possible for a driver in a foreign registered vehicle to obtain such an exemption, and if yes, how would this driver obtain such an exemption?



Is it possible for a driver in a foreign registered vehicle to obtain such an exemption, and if yes, how would this driver obtain such an exemption?

| Is it possible for a driver in a foreign registered vehicle to obtain such an exemption, and if yes, how would this driver obtain such an exemption? | Report |
|---|--------|
| No information provided | |
| Yes. The driver has to ask for it alongside the traffic police authority Regarding LEZ, Air Quality Certificates are mandatory either for driving in restricted traffic zones introduced by local authorities or for driving when the prefect introduces emission-based traffic restrictions during certain pollution episodes, both for vehicles registered in France and abroad. Derogations are strictly limited by regulations in force. https://www.certificat-air.gouv.fr website available in english, german, spanish, italian | |
| If a general exemption is ordered by additional road sign the exemptions applies to foreigners as well. Also foreigners can apply for special permits. | |
| | |
| | |
| No | |
| | |
| | |
| yes, they have to ask for exemption | |
| | |
| | |
| | |
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| | |
| | |
| SI, SE REGULA POR NORMATIVA MUNICIPAL (AYUNTAMIENTOS) | |
| Yes. By applying for a special permission from the officials. | |
| | |

| Is it possible for a driver in a foreign registered vehicle to obtain such an exemption, and if yes, how would this driver obtain such an exemption? | Report |
|--|-------------------|
| | ↗ |
| | ↗ |
| | ↗ |
| Yes, for most countries a registration prior to entering te city is mandatory. No registration=traffic fine. | ↗ |
| | ↗ |
| | ↗ |
| Yes, by applying for it digitally at the municipality | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Yes. The management of the UVARs lies with the local authorities, so different ways according to local regulations. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| not possible | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Yes On line multi lingual application form to obtain permit for HGV access | ↗ |
| | ↗ |
| | ↗ |
| Yes | ↗ |
| | ↗ |

According to what legal framework of your country are Key-ARS applied to foreign vehicles?

road local
code zones regulations driving
traffic act
vehicles

N 12

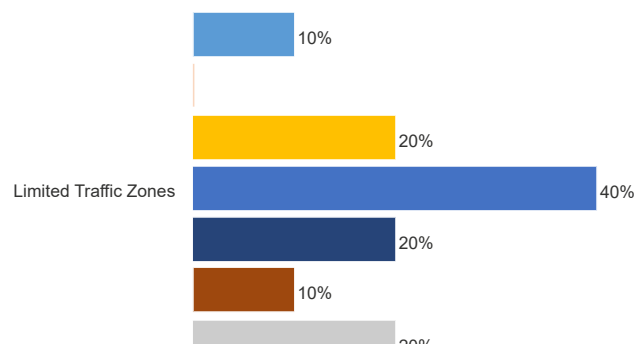
According to what legal framework of your country are Key-ARS applied to foreign vehicles?

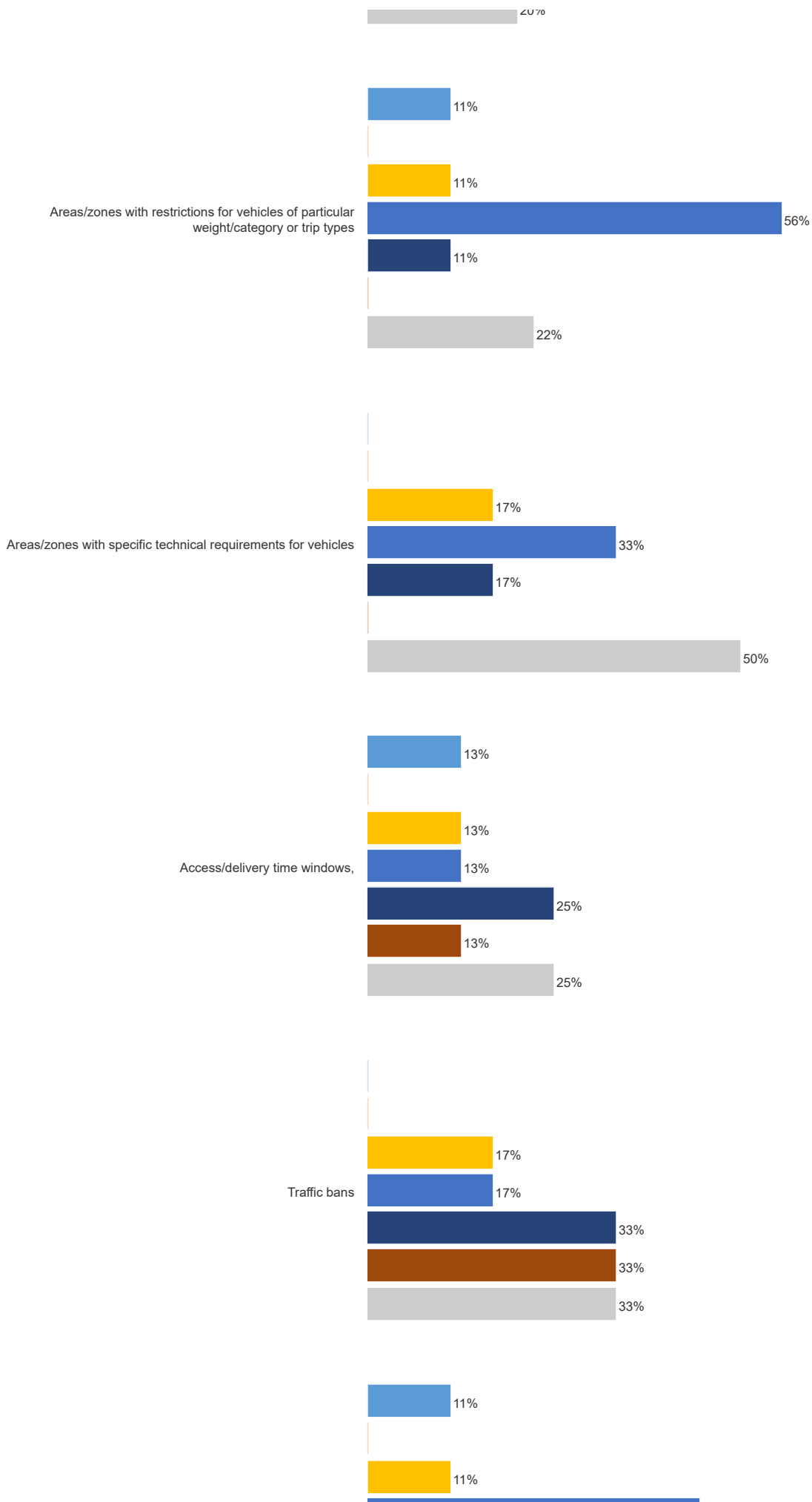
| Transport Law (please provide the reference) | Other law (please provide the reference) | Other | I do not know | Report |
|---|--|--|----------------------------|------------------------|
| | | | no information is provided | Report |
| | Code de la route : R. 110-1 : Every driver has to respect this code if he drives within open roads. Regarding LEZ, Air Quality Certificates are mandatory either for driving in restricted traffic zones introduced by local authorities or for driving when the prefect introduces emission-based traffic restrictions during certain pollution episodes, both for vehicles registered in France and abroad | | | Report |
| Straßenverkehrs-Ordnung (Road traffic regulations) | | | | Report |
| | | Not applicable | | Report |
| Act on Road Traffic, Decree supplementing Act on Road Traffic | Act on Environment Protection | | | Report |
| | | NORMATIVA MUNICIPAL (ORDENANZAS MUNICIPALES) | | Report |
| | Act on the Transport of Dangerous Goods | Local regulations given by the municipalities | | Report |
| Wegenverkeerswet | | | | Report |
| | | No differentiation between local and foreign vehicles. | | Report |
| Austrian Road Traffic Act, para. 25 (pedestrian zones) | | | | Report |
| Yes | | | | Report |
| | iii | | | Report |

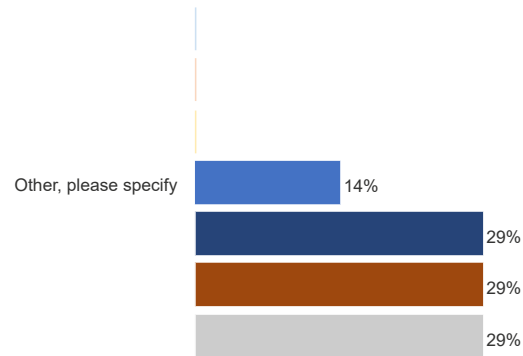
N 12

Detection

How do you detect a violation of Key-ARS?







- Automatic, photo from the back
- Automatic, a photo from the...
- Automatic, a photo from the...
- Manually, e.g. the driver i...
- No violations are detected ...
- I do not know
- Other (please use the textb...

N 14

Limited Traffic Zones Other, please specify

authorities
 states local federal measures
responsibility

N 2

Limited Traffic Zones Other, please specify


| Other, please specify | Report |
|--|-------------------|
| <p>The implementation of Road Traffic Regulations, especially decisions on concrete measures in individual cases and their extent, is exclusively incumbent upon the Federal States. Controlling and enforcement measures also fall under the responsibility of the Federal States. Federal State authorities, generally the police of the Federal States (or sometimes the local authorities) decide, on their own responsibility, where, how frequently and with how much personnel or technical equipment they carry out surveillance activities.</p> | ↗ |
| <p>Decision of the local authorities. Different systems in use.</p> | ↗ |

N 2

Areas/zones with restrictions for vehicles of particular weight/category or trip types Other, please specify

N 1

Areas/zones with restrictions for vehicles of particular weight/category or trip types Other, please specify


| Other, please specify | Report |
|-----------------------|---|
| see above |  |

N 1

Areas/zones with specific technical requirements for vehicles Other, please specify

N 1

Areas/zones with specific technical requirements for vehicles Other, please specify


| Other, please specify | Report |
|-----------------------|---|
| see above |  |

N 1

Access/delivery time windows, Other, please specify

N 1

Access/delivery time windows, Other, please specify

| Other, please specify | Report |
|---|---|
| Decission of the local authorities. Different systems in use. |  |

N 1

Traffic bans Other, please specify

local

N 3

Traffic bans Other, please specify

| Other, please specify | Report |
|---|---|
| see above |  |
| Local law enforcers (BOA) incidentally see things, no permanent enforcement |  |
| Decission of the local authorities. Different systems in use. |  |

N 3

Pedestrian zones Other, please specify

N 2

Pedestrian zones Other, please specify


| Other, please specify | Report |
|---|---|
| see above |  |
| Local law enforcers (BOA) incidentally see things, no permanent enforcement |  |

N 2

Other, please specify Other, please specify

N 1

Other, please specify Other, please specify

| Other, please specify | Report |
|---|---|
| Decission of the local authorities. Different systems in use. |  |

N 1













How do you detect a violation of Key-ARS? - Other, please specify

| Other, please specify | Value | Report |
|-----------------------|---|-------------------|
| | I do not know | ↗ |
| | No violations are detected as we use physical barriers (e.g. Road blocks, road obstacles) | ↗ |
| | No violations are detected as we use physical barriers (e.g. Road blocks, road obstacles) | ↗ |
| | Manually, e.g. the driver is stopped immediately after an offence is detected | ↗ |
| | Other (please use the textbox to the left to specify) | ↗ |
| | I do not know | ↗ |
| | Other (please use the textbox to the left to specify) | ↗ |

N 7

How many violations of key-ARS have you detected in 2019?

| Limited Traffic Zones | Areas/zones with restrictions for vehicles of particular weight/category or trip types | Areas/zones with specific technical requirements for vehicles | Access/delivery time windows, | Traffic bans | Pedestrian zones | Other, please specify | Report |
|---|---|---|---|---|---|---|-------------------|
| I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | ↗ |
| Number of violations 7090 | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | ↗ |
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| | | | | | | | ↗ |
| | | | | | | | ↗ |

| Limited Traffic Zones | Areas/zones with restrictions for vehicles of particular weight/category or trip types | Areas/zones with specific technical requirements for vehicles | Access/delivery time windows, | Traffic bans | Pedestrian zones | Other, please specify | Report |
|---|---|---|---|---|---|-----------------------|---|
| I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | |  |
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| I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | |  |
| | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | | | |  |
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| | | | | | | |  |
| | | | | | | |  |

| Limited Traffic Zones | Areas/zones with restrictions for vehicles of particular weight/category or trip types | Areas/zones with specific technical requirements for vehicles | Access/delivery time windows, | Traffic bans | Pedestrian zones | Other, please specify | Report |
|---|---|---|---|---|---|-----------------------|---|
| I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | |  |
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| | Number of violations 9332 I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | |  |
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| Limited Traffic Zones | Areas/zones with restrictions for vehicles of particular weight/category or trip types | Areas/zones with specific technical requirements for vehicles | Access/delivery time windows, | Traffic bans | Pedestrian zones | Other, please specify | Report |
|---|---|---|-------------------------------|--------------|---|-----------------------|-------------------|
| I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | | | | 🔗 |
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| | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | | | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | 🔗 |
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Part 1 of 4

N 83

How many of these violations were committed by foreign registered vehicles in 2019 (i.e. with a non-domestic license plate)?

| Limited Traffic Zones | Areas/zones with restrictions for vehicles of particular weight/category or trip types | Areas/zones with specific technical requirements for vehicles | Access/delivery time windows, | Traffic bans | Pedestrian zones | Other, please specify | Report |
|---|---|---|---|---|---|-----------------------|-------------------|
| I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | 🔗 |

| Limited Traffic Zones | Areas/zones with restrictions for vehicles of particular weight/category or trip types | Areas/zones with specific technical requirements for vehicles | Access/delivery time windows, | Traffic bans | Pedestrian zones | Other, please specify | Report |
|-----------------------|---|---|-------------------------------|--------------|------------------|-----------------------|---|
| | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | | | |  |
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| Limited Traffic Zones | Areas/zones with restrictions for vehicles of particular weight/category or trip types | Areas/zones with specific technical requirements for vehicles | Access/delivery time windows, | Traffic bans | Pedestrian zones | Other, please specify | Report |
|-----------------------|---|---|-------------------------------|--------------|------------------|---|---|
| | | | | | | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) |  |
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| | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | I do not know / we do not use detection methods (e.g. physical barriers) I do not know / we do not use detection methods (e.g. physical barriers) | | | | |  |
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Here you can add an internet link to share documentation/data with regards to violations (by foreign/non resident offenders) of Key-ARS

data

N 2

Here you can add an internet link to share documentation/data with regards to violations (by foreign/non resident offenders) of Key-ARS

| Here you can add an internet link to share documentation/data with regards to violations (by foreign/non resident offenders) of Key-ARS | Report |
|---|-------------------|
| Please check the document uploaded for more information | ↗ |
| Data is only for the periode september-december 2019, as the camera's were not in place beforehand. No exact data available on foreign licence plates, but small sample test indicated that it was between 5 and 10%. | ↗ |

N 2























Investigation

Do you have problems with the identification of the presumed offender, when only the offending vehicle's license plate is known (e.g. driver is not identified on the spot)? If yes, what kind of problems?



N 14

Do you have problems with the identification of the presumed offender, when only the offending vehicle's license plate is known (e.g. driver is not identified on the spot)? If yes, what kind of problems?

| Do you have problems with the identification of the presumed offender, when only the offending vehicle's license plate is known (e.g. driver is not identified on the spot)? If yes, what kind of problems? | Report |
|--|---|
| No information provided |  |
| No information |  |
| Yes, in Germany sanctions for traffic violations can only be imposed on the driver (driver liability). This is why it is necessary to have evidence material require a recognizable image of the driver in case of automatic radar systems or to stop the driver manually immediately after an offence is detected. If no driver is identified the competent authorities can ask the holder of the vehicle for cooperation. He is obliged to identify the driver. Germany takes responsibility within the context of the Directive to mean exclusively "driver responsibility". From the German point of view, owner/holder liability is not practicable. In case of foreign vehicles Germany is dependent on cross border enforcement measures to identify the driver. Therefore Germany demands cross boarder support for driver identification. |  |
| |  |
| |  |
| Enforcement is carried out by An Garda Siochana (police) |  |
| |  |
| |  |
| no for vehicles registered in EU (EEA) - directive 2015/413 applied |  |
| |  |
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| |  |
| |  |
| NO EXISTE PROBLEMA POR CUANTO SI NO IDENTIFICA AL CONDUCTOR, NACE OTRO EXPEDIENTE SANCIONADOR AL TITULAR DEL VEHICULO POR NO IDENTIFICAR AL CONDUCTOR RESPONSABLE. |  |
| No. |  |
| |  |
| |  |
| |  |
| |  |
| No |  |
| |  |
| |  |
| No |  |
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| No |  |
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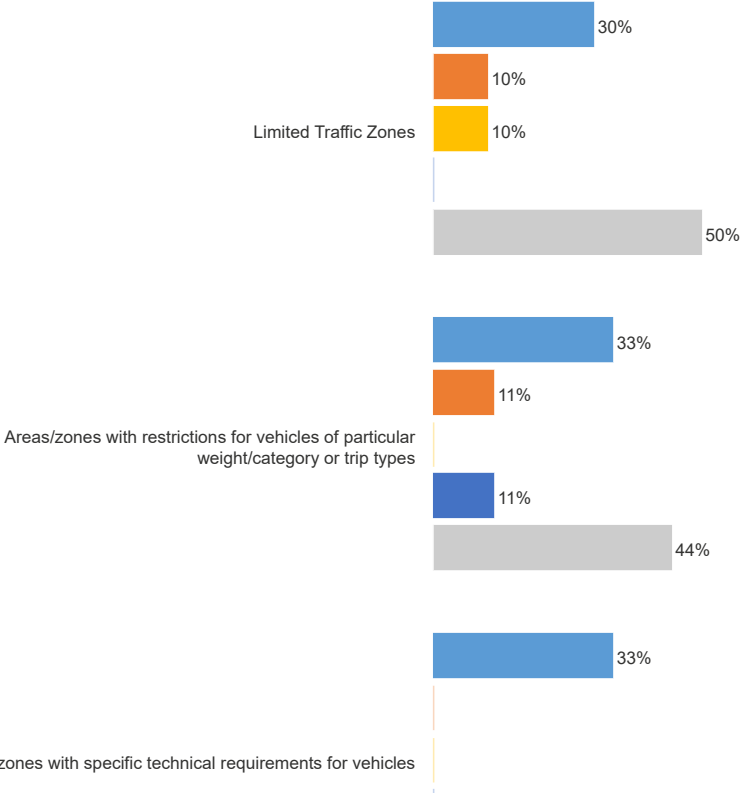
| Do you have problems with the identification of the presumed offender, when only the offending vehicle's license plate is known (e.g. driver is not identified on the spot)? If yes, what kind of problems? | Report |
|---|-------------------|
| | ↗ |
| no. | ↗ |
| | ↗ |
| arera | ↗ |
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| Not Local Authority area | ↗ |
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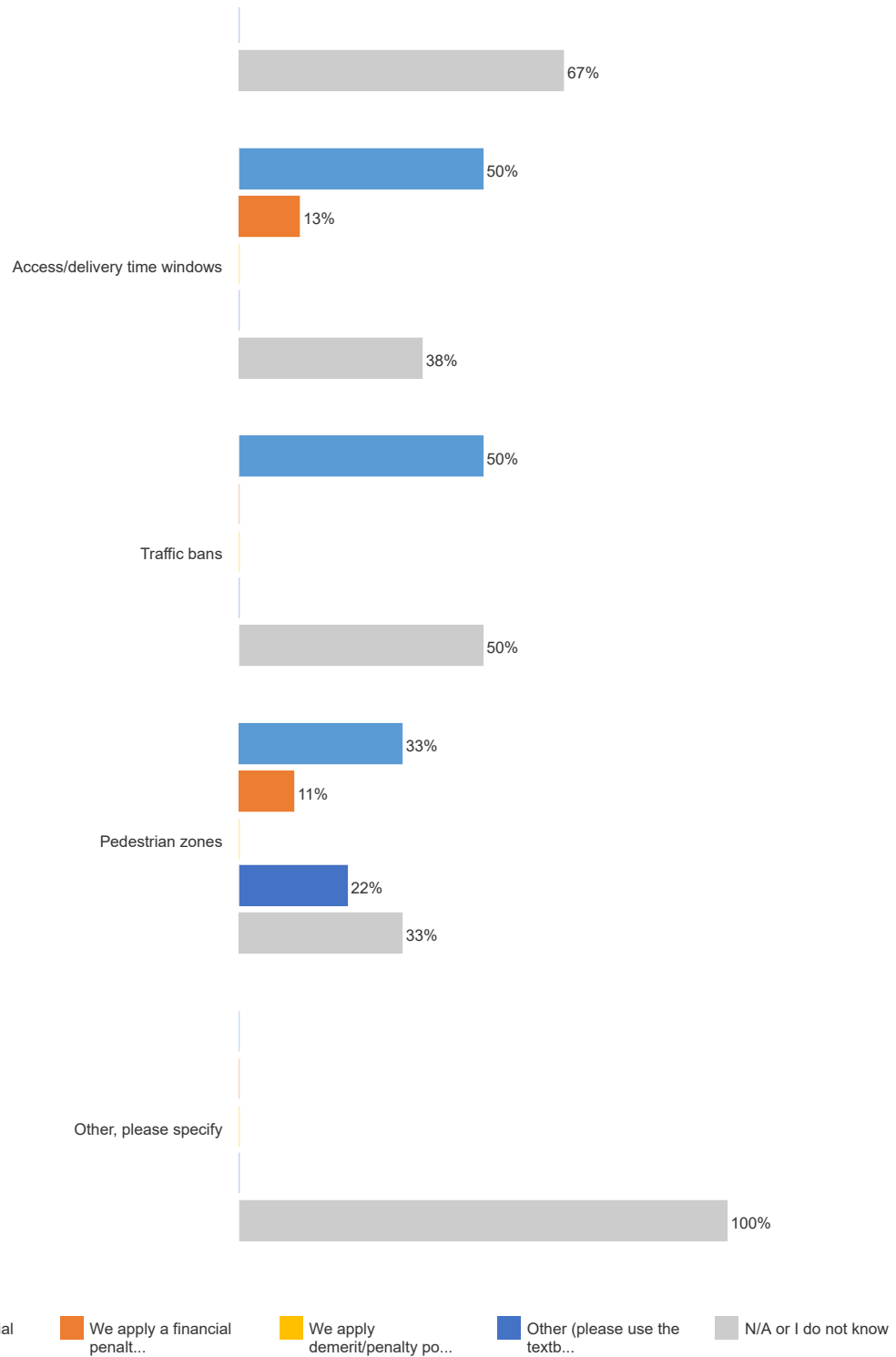
Part 1 of 4

N 83

Sanctions

What sanctions do you apply to violations of Key-ARS? (multiple options are possible)





N 14

Limited Traffic Zones Other, please specify

No data found


Limited Traffic Zones Other, please specify

No data found

Areas/zones with restrictions for vehicles of particular weight/category or trip types Other, please specify

N 1

Areas/zones with restrictions for vehicles of particular weight/category or trip types Other, please specify

| Other, please specify | Report |
|---------------------------------|---|
| Police matter fine of 800 Euros |  |

N 1

Areas/zones with specific technical requirements for vehicles Other, please specify

No data found

Areas/zones with specific technical requirements for vehicles Other, please specify

No data found

Access/delivery time windows Other, please specify

No data found

Access/delivery time windows Other, please specify

No data found

Traffic bans Other, please specify

No data found

Traffic bans Other, please specify

No data found

Pedestrian zones Other, please specify

N 2

Pedestrian zones Other, please specify

| Other, please specify | Report |
|-------------------------|---|
| penalty up to 726 Euros |  |
| Police MAtter |  |

N 2

Other, please specify Other, please specify

No data found

Other, please specify Other, please specify

No data found

What sanctions do you apply to violations of Key-ARS? (multiple options are possible) - Other, please specify

| Other, please specify | Value | Report |
|-----------------------|----------------------|-------------------|
| | N/A or I do not know | 🔗 |

N 1

Are you able to enforce sanctions when Key-ARS related offence is committed by foreign registered vehicles? If not, why?



N 14

Are you able to enforce sanctions when Key-ARS related offence is committed by foreign registered vehicles? If not, why?

| Are you able to enforce sanctions when Key-ARS related offence is committed by foreign registered vehicles? If not, why? | Report |
|---|-------------------|
| No information provided | 🔗 |
| No information | 🔗 |
| Regarding the extension of the CBE directive to other road traffic offences in the view of Germany it is seen as a minimum useful and appropriate measure to extend the scope of offences to include especially dangerous overtaking and the failure to keep a sufficient distance from the vehicle in front. Parking offences which create risks for other road users should also be included and taken into account in a future revision of the Directive. They are deemed to be dangerous parking (e.g. obstructing emergency access routes for fire and emergency services or designated parking spaces for disabled persons). A definition of what specifically constitutes dangerous parking should be included. Moreover the scope should be extended to all road traffic offences. When it comes to the definition of road traffic offences it should be defined according to the understanding of road traffic offences as it is mentioned in the German declaration in the council decision 2015/214/JI | 🔗 |
| | 🔗 |
| | 🔗 |
| I don't know | 🔗 |

| Are you able to enforce sanctions when Key-ARS related offence is committed by foreign registered vehicles? If not, why? | Report |
|--|---|
| |  |
| |  |
| the offender caught on the spot is allowed to pay a fine later, it is up to them then whether they pay or not |  |
| |  |
| |  |
| |  |
| |  |
| |  |
| |  |
| |  |
| NO, POR CUANTO NO SE PUEDE UTILIZAR LA DIRECTIVA CBE DE INTERCAMBIO DE INFORMACION |  |
| Yes. The violations are detected manually by the police and the financial penalty is given straight to the offender. |  |
| |  |
| |  |
| |  |
| |  |
| - |  |
| |  |
| |  |
| Yes, for those countries which the exchange of numberplate data is organised. |  |
| |  |
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| |  |
| |  |
| |  |
| Yes |  |
| |  |
| |  |
| |  |
| |  |
| yes |  |
| |  |
| aew |  |
| |  |
| |  |
| |  |
| |  |

| Are you able to enforce sanctions when Key-ARS related offence is committed by foreign registered vehicles? If not, why? | Report |
|--|-------------------|
| | ↗ |
| Yes Police function | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |

Part 1 of 4

N 83

Fundamental rights

In your expert opinion, what are the reasons for including Key-ARS related offences to the scope of the CBE Directive?



N 35

In your expert opinion, what are the reasons for including Key-ARS related offences to the scope of the CBE Directive?

| In your expert opinion, what are the reasons for including <code>{{popover "Key-ARS" "Urban area where access is regulated with methods other than payment and is not linked to environment protection" position="right"}}</code> related offences to the scope of the CBE Directive? | Report |
|---|-------------------|
| No information provided | ↗ |
| Better understanding and harmonization of penalties Better understanding of the traffic signs indicating a Key-ARS for foreigner | ↗ |
| See above. | ↗ |
| In our point of view, there is no need to include Key-ARS in the CBE Directive. CBE is a legislation for road safety and not to enhance mobility and launch UVARs. | ↗ |
| | ↗ |
| To increase compliance, plus for environmental reasons | ↗ |
| . | ↗ |
| Driving in the LEZ with a vehicle that is not allowed there | ↗ |
| justice for all | ↗ |
| Protection of road and bridge infrastructure, traffic safety requirements, access regulations | ↗ |

| In your expert opinion, what are the reasons for including {{popover "Key-ARS" "Urban area where access is regulated with methods other than payment and is not linked to environment protection" position="right"}} related offences to the scope of the CBE Directive? | Report |
|--|-------------------|
| | ↗ |
| Only the ones related to road safety, like pedestrian zones, or to environment should be contemplated | ↗ |
| | ↗ |
| | ↗ |
| No. | ↗ |
| | ↗ |
| CONTROLES MEDIOAMBIENTALES, ACCESO A CIUDADES, MEJORA PARA VULNERABLES: PEATONES, CICLISTAS... | ↗ |
| In Finland we do not have automated systems for enforcing the sanctions given for the Key-ARS related offences. The offences are detected manually by police officers. Nevertheless, Finland sees the inclusion of Key-ARS to the scope of the CBE Directive as an effective way of improving the cross-border sanction enforcement. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Regulation is only effective if it is respected by all. The use of sanctions reinforces compliance by the recipients. The authorities can only be effective if they can hold offenders to account. This is facilitated by the CBE Directive. | ↗ |
| Foreign drivers very often are not aware of the obligation of having to register prior to entering the zones, this could be avoided by a EU level exchange of information | ↗ |
| - In my opinion, the cross-border exchange of data on the offenses concerned facilitates the identification of the persons involved in the offense, ensures that adequate information is available to prosecute even if someone does not comply with traffic rules when travelling in a Member State other than the one where their vehicle is registered. | ↗ |
| | ↗ |
| No idea | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| test | ↗ |
| No answer. | ↗ |
| | ↗ |
| | ↗ |
| Management of parking in towns and speed limits to ensure safety on our roads | ↗ |
| IDK. | ↗ |
| don't know | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Not relevant to this Local Authority - hence no comment | ↗ |
| Minimise congestion. Area more Pedestrian and vulnerable road user friendly | ↗ |
| | ↗ |
| . | ↗ |

| In your expert opinion, what are the reasons for including {{popover "Key-ARS" "Urban area where access is regulated with methods other than payment and is not linked to environment protection" position="right"}} related offences to the scope of the CBE Directive? | Report |
|--|-------------------|
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |

Part 1 of 4

N 83

Do you consider the access of foreigners/non-residents to the information on [Key-ARS](#) applied in your country/municipality, or generally in the EU as satisfactory? If not, what is the problem?



N 35

Do you consider the access of foreigners/non-residents to the information on [Key-ARS](#) applied in your country/municipality, or generally in the EU as satisfactory? If not, what is the problem?

| Do you consider the access of foreigners/non-residents to the information on {{popover "Key-ARS" "Urban area where access is regulated with methods other than payment and is not linked to environment protection" position="right"}} applied in your country/municipality, or generally in the EU as satisfactory? If not, what is the problem? | Report |
|---|-------------------|
| No information provided | ↗ |
| Such rules are indicated to drivers with road signs, that are harmonized thanks to the Vienna convention on road signs. Actual road signs should also be understandable for all drivers, including foreigners. | ↗ |
| See above. | ↗ |
| No. Unfortunately, in national level there is a lack of information regarding UVARs application (Low Emission Zones). it is worth to mention that areas within the LEZ aren't all designated with the relative road signs. This concerns both residents/ non-residents. | ↗ |
| | ↗ |
| Not applicable | ↗ |
| . | ↗ |
| Yes/No There are a lot of different types of zones, signage and lineage around in Europe. If you search for information on your destination you can find information in English most of the time. | ↗ |
| access is usually regulated by road signs which are harmonized (except of emission zones), but the signs are often accompanied with additional panels with text in national language only | ↗ |
| No | ↗ |

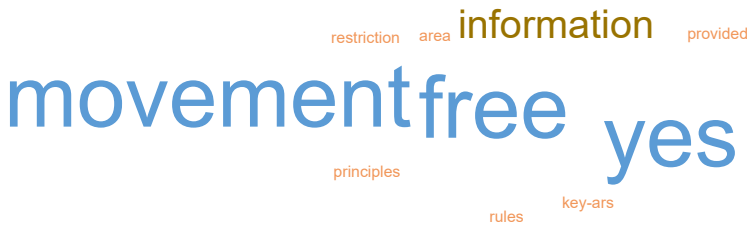
| Do you consider the access of foreigners/non-residents to the information on {{popover "Key-ARS" "Urban area where access is regulated with methods other than payment and is not linked to environment protection" position="right"}} applied in your country/municipality, or generally in the EU as satisfactory? If not, what is the problem? | Report |
|---|-------------------|
| | ↗ |
| No. Use of road signs of difficult interpretation and uncomplying with international standards | ↗ |
| | ↗ |
| | ↗ |
| We dont have. | ↗ |
| | ↗ |
| ES MEJORABLE | ↗ |
| In Finland there are not so many Key-ARS and they concern mainly professional logistics transport. The professionals are generally well-informed of the restrictions. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Yes. A foreigner who puts a minimum of effort into learning the rules has access to all relevant information. | ↗ |
| No, there is not a consistent regulatory framework, every municipality creates its own rules | ↗ |
| We have no information about the question asked. | ↗ |
| | ↗ |
| Yes | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| test | ↗ |
| Yes. | ↗ |
| | ↗ |
| | ↗ |
| N/A | ↗ |
| Yes. | ↗ |
| satisfactory | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Not relevant to this Local Authority - hence no comment | ↗ |
| generally signalled by pictogram signage which should be universally understood, hence, yes. | ↗ |
| | ↗ |
| . | ↗ |
| | ↗ |
| | ↗ |

| Do you consider the access of foreigners/non-residents to the information on Key-ARS "Urban area where access is regulated with methods other than payment and is not linked to environment protection" applied in your country/municipality, or generally in the EU as satisfactory? If not, what is the problem? | Report |
|--|-------------------|
| | ↗ |
| | ↗ |
| | ↗ |

Part 1 of 4

N 83

Do you consider the application of [Key-ARS](#) in your country/municipality, or generally in the EU as an obstacle to free movement of persons and goods? If yes, please explain why.



N 35

Do you consider the application of [Key-ARS](#) in your country/municipality, or generally in the EU as an obstacle to free movement of persons and goods? If yes, please explain why.

| Do you consider the application of Key-ARS "Urban area where access is regulated with methods other than payment and is not linked to environment protection" in your country/municipality, or generally in the EU as an obstacle to free movement of persons and goods? If yes, please explain why. | Report |
|--|-------------------|
| No information provided | ↗ |
| No, we do not | ↗ |
| See above. | ↗ |
| Yes, it could be. It depends on the information provided. Lack of information could lead to misunderstandings and difficulties in use of this urban road network. | ↗ |
| | ↗ |
| I don't know | ↗ |
| . | ↗ |
| No, free movement is always subjective to rules. | ↗ |
| no | ↗ |
| No | ↗ |
| | ↗ |
| Yes. International traffic, as well as domestic legal principles stand on the idea of free movement as circulation, every restriction to this principles should be clear on the scope and object and should balance the effective need for the restriction. | ↗ |
| | ↗ |

| Do you consider the application of {{popover "Key-ARS" "Urban area where access is regulated with methods other than payment and is not linked to environment protection" position="right"}} in your country/municipality, or generally in the EU as an obstacle to free movement of persons and goods? If yes, please explain why. | Report |
|---|-------------------|
| | ↗ |
| No. | ↗ |
| | ↗ |
| NO, ES UNA BUENA MEDIDA | ↗ |
| In Finland the Key-ARS are not an obstacle to free movement, as they are quite rare and concern mainly professional logistics transport. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| No, the fundamental right of free movement is not impeded in any way. | ↗ |
| Yes | ↗ |
| In my view, the application of Key-ARS in our country does not hinder the free movement of persons and goods. | ↗ |
| | ↗ |
| No, limited area only. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| test | ↗ |
| Yes, if it is applied to bigger areas, not just a city center or some similar area. | ↗ |
| | ↗ |
| | ↗ |
| N/A | ↗ |
| No. | ↗ |
| no | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Not relevant to this Local Authority - hence no comment | ↗ |
| NO, done for practical reasons and usually with an alternate route available. | ↗ |
| | ↗ |
| . | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |

Do you consider the application of [Key-ARS](#) in your country/municipality, or generally in the EU as respecting equal treatment of resident and non-resident/foreign drivers? If not, what is the problem?



Do you consider the application of [Key-ARS](#) in your country/municipality, or generally in the EU as respecting equal treatment of resident and non-resident/foreign drivers? If not, what is the problem?

| Do you consider the application of Key-ARS "Urban area where access is regulated with methods other than payment and is not linked to environment protection" position="right" in your country/municipality, or generally in the EU as respecting equal treatment of resident and non-resident/foreign drivers? If not, what is the problem? | Report |
|--|-------------------|
| No information provided | ✎ |
| Yes, we do | ✎ |
| See above. | ✎ |
| Yes, we believe that Key-ARS should apply to all drivers (residents or non-residents). There is no need for discrimination. | ✎ |
| | ✎ |
| I don't know | ✎ |
| . | ✎ |
| Yes, as long as we keep them informed and apply the same enforcement for both groups. | ✎ |
| difficult enforcement of sanctions | ✎ |
| No | ✎ |
| | ✎ |
| Yes | ✎ |
| | ✎ |
| | ✎ |
| No problem. | ✎ |
| | ✎ |
| EL TRATO ES IGUALITARIO | ✎ |
| Yes, we consider that the Key-ARS are applied equally in Finland. | ✎ |
| | ✎ |








| Do you consider the application of {{popover "Key-ARS" "Urban area where access is regulated with methods other than payment and is not linked to environment protection" position="right"}} in your country/municipality, or generally in the EU as respecting equal treatment of resident and non-resident/foreign drivers? If not, what is the problem? | Report |
|--|-------------------|
| | ↗ |
| | ↗ |
| There is no difference between national/foreign drivers. | ↗ |
| Foreigners are not treated equilly since they have to register upfront and if they don't, even when fulfilling the conditions for entering te zone, are fined | ↗ |
| The application of Key-ARS in our country does not endanger the requirement of equal treatment of resident and non-resident drivers. | ↗ |
| | ↗ |
| Yes | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| test | ↗ |
| Yes. | ↗ |
| | ↗ |
| | ↗ |
| Respecting equal treatment of all citizens | ↗ |
| Yes. | ↗ |
| yes | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Not relevant to this Local Authority - hence no comment | ↗ |
| Yes | ↗ |
| | ↗ |
| . | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |

Thank you for finalising all the questions of this survey! If you have any feedback or remaining comments, please use the space below

streets
specific local
restrictions
questions areas
zones

N 7

Thank you for finalising all the questions of this survey! If you have any feedback or remaining comments, please use the space below

| Thank you for finalising all the questions of this survey! If you have any feedback or remaining comments, please use the space below | Report |
|--|---|
| Please check out the document submitted separately |  |
| The reply to the last questions is transmitted via e-mail. Thank you very much. |  |
| no harmonized road signs for emissions zones, additional panels only in national language |  |
| We did not include some of the minor and more local restrictions to this survey, as they are so plenty and complex. In Finland, municipalities can set up local restrictions, but they often concern specific streets or small areas, such as pedestrian streets or areas around real estates. They are not based on specific laws and we did not consider them as UVARs. The information about these restrictions is given with an individual traffic sign and the breaching of these restrictions are supervised manually by police officers. There is no automatically monitored zones or automated punishment enforcement. |  |
| I have no remaining comments. |  |
| I do foresee issues regarding the implementation of ZE-zones, where we are currently unable to verify that a foreign vehicle is indeed Zero Emission. Current joint effort with Belgium and Luxembourg does cater for that, we would like to see that EU wide (or at least for Germany). Being a border municipality, this is a key issue. |  |
| The whole questionnaire as well as the questions force you to answer in a way that will most likely result in an overview that is completely misleading. badly done. |  |

N 7

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**GROSSBRITANNIEN:
Probleme mit der Niedrigemissionszone (LEZ) in London**

Sehr geehrte Damen und Herren,

aktuell erreichen die Juristische Zentrale wieder viele Anfragen von Mitgliedern, die im Urlaub mit dem eigenen Fahrzeug oder einem Mietwagen im Großraum London unterwegs waren und im Anschluss einen Bußgeldbescheid oder Zahlungsaufforderung von *Transport for London* oder dem britischen Inkassobüro *European Parking Collection* erhalten haben

Daher informieren wir in der vorliegenden Mitteilung über die Niedrigemissionszone (*Low Emission Zone/LEZ*) im Großraum London, für welche bestimmten Fahrzeugtypen im Vorfeld registriert werden müssen.

Die Mitteilung enthält Informationen über die Voraussetzungen der Registrierung, die möglicherweise anfallenden Gebühren, deren Zahlungsmöglichkeiten sowie zu Bußgeldern bei Verstößen.

Informationen über die neben dieser bestehenden City-Maut/Ultra Low Emission Zone finden Sie in der Mitteilung für Vertragsanwälte Nr. 73/2019.

Mit freundlichen kollegialen Grüßen



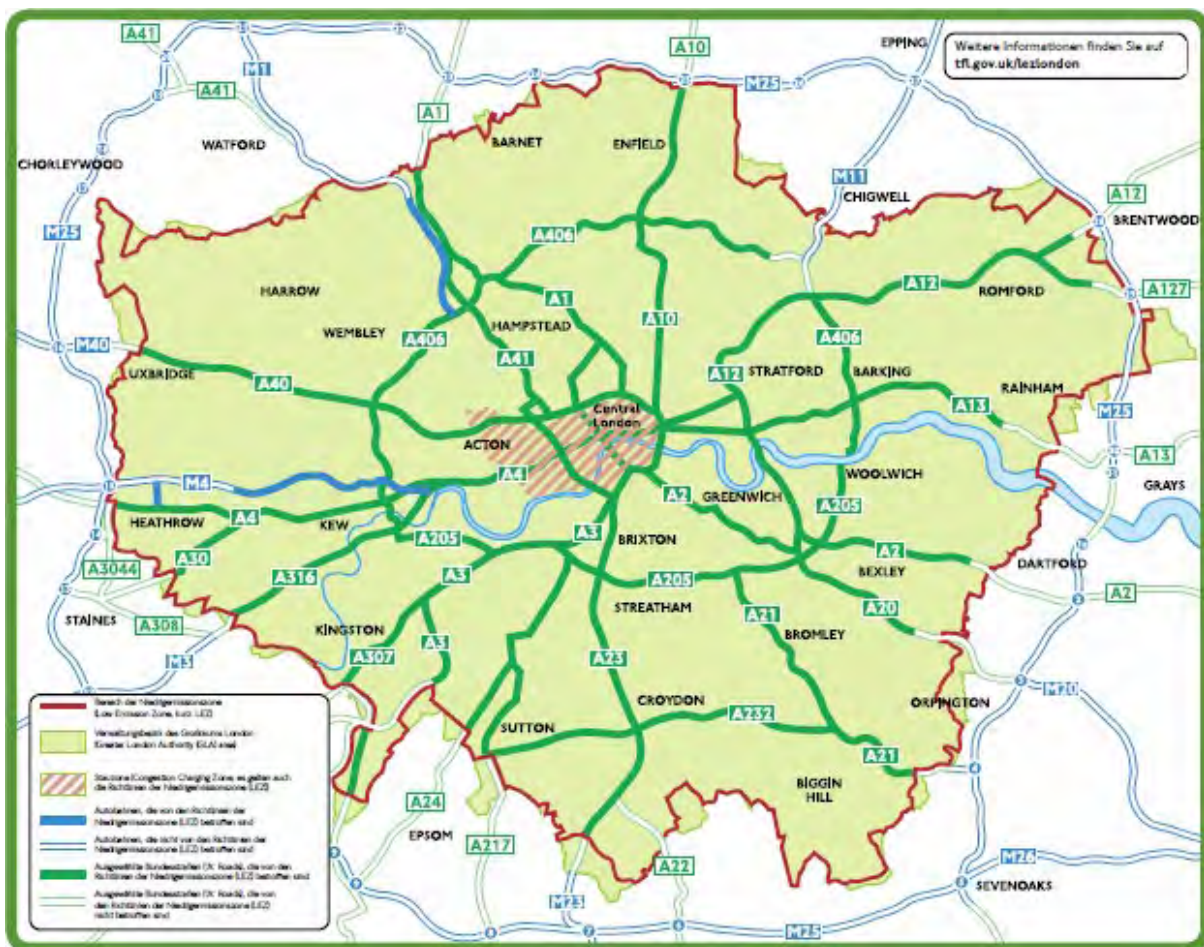
Dr. Markus Schäpe
Leiter Juristische Zentrale

Niedrigemissionszone London (Low Emission Zone, LEZ)

Seit dem 04.02.2008 gilt im Großraum London die sogenannte *Low Emission Zone* (LEZ). Dieser Bereich darf seitdem von bestimmten Fahrzeugen nur noch gegen Entrichtung einer Gebühr befahren werden. Mit der Erhebung der Gebühren und der Überwachung ist die Organisation *Transport for London* (TfL) betraut worden. Ziel der Maßnahme ist die Verbesserung der Luftqualität im Großraum London.

I. Gebiet der LEZ

Das Gebiet der LEZ umfasst den Großraum Londons (s. Karte) und somit einen deutlich größeren Bereich als derjenige der City-Maut/Ultra Low Emission Zone (Mitteilung für Vertragsanwälte Nr. 73/2019).



Beginn und Ende der Zone sind jeweils durch entsprechende Verkehrszeichen gekennzeichnet.



Innerhalb dieser Zone ist die **Teilnahme am Verkehr** mit Fahrzeugen, die unter die Richtlinie fallen und die Emissionsklassen nicht erreichen, auf öffentlichen Straßen gebührenpflichtig.

Nicht betroffen ist die Autobahn M25, die um den Großraum London herumführt.

Ob eine bestimmte Adresse innerhalb der Niedrigemissionszone liegt, kann auf der Internetseite von *Transport for London* (www.tfl.gov.uk/modes/driving/low-emission-zone) abgefragt werden.






II. Gebührenpflichtiger Zeitraum

Die Gebühren für die LEZ sind 24 Stunden am Tag im gesamten Jahr, auch an Wochenenden und Feiertagen zu entrichten.

III. Gebührenpflichtige Fahrzeuge

Gebührenpflichtig sind grundsätzlich ältere dieselgetriebene Lkw, Busse, Reisebusse sowie Transporter über 1,205 Tonnen Leergewicht (auch sogenannte Mehrzweckfahrzeuge und Vans) und Minibusse mit mehr als acht Sitzplätzen und einem Gewicht unter 5 Tonnen. Auch große Wohnmobile ab 2,5 Tonnen werden erfasst. Dabei ist maßgeblich, ob das Fahrzeug die geforderten Abgasnormen erfüllt (siehe Tabelle). Die Art der Nutzung (privat oder geschäftlich) spielt dabei keine Rolle.

Von der LEZ nicht betroffen sind Pkw und Motorräder sowie Kleintransporter unter 1,205 Tonnen Leergewicht.

| Fahrzeugtypen und -definitionen | | Betreffende Daten | Erforderliche Emissionsstandards |
|--|---|--|---|
| Schwere LKW. Schwere dieselgetriebene Fahrzeuge mit einem zulässigen Gesamtgewicht von über 12 Tonnen, einschließlich Transportfahrzeuge, Wohnmobile, motorisierte Pferdetransporter und andere Spezialfahrzeuge. |  | 3. Januar 2012 Euro IV für Feinstaub (PM) | Ab dem 3. Januar 2012 werden die erforderlichen Emissionsstandards auf Euro IV für Feinstaub (PM) angehoben. Alle Euro IV-Fahrzeuge entsprechen den Standards der Niedrigemissionszone (LEZ) im Jahr 2012. Bei Fahrzeugen, deren Erstzulassung auf den 1. Oktober 2006 oder in den Zeitraum danach fällt, wird davon ausgegangen, dass sie diesem Standard entsprechen. |
| Leichte LKW. Schwere dieselgetriebene Fahrzeuge mit einem zulässigen Gesamtgewicht zwischen 3,5 und 12 Tonnen, einschließlich Transportfahrzeuge, Wohnmobile, motorisierte Pferdetransporter und andere Spezialfahrzeuge. |  | 3. Januar 2012 – EuroIV | Fahrzeuge, die die Emissionsstandards nicht erfüllen, können durch Nachrüsten auf den Euro IV-Standard für Feinstaub (PM) gebracht werden. Für Fahrzeuge, die die Emissionsstandards der LEZ nicht einhalten, wird bei Nutzung innerhalb der Niedrigemissionszone (LEZ) eine Tagesgebühr fällig. |
| Busse und Reisebusse. Dieselgetriebene Fahrzeuge zur Personenbeförderung mit mehr als acht Sitzplätzen plus Fahrersitz über fünf Tonnen zulässigem Gesamtgewicht. |  | 3. Januar 2012 Euro IV | |
| Großtransporter. Dieselgetriebene Fahrzeuge zwischen 1,205 Tonnen Leergewicht und einem zulässigen Gesamtgewicht von 3,5 Tonnen und Wohnmobile und Krankenwagen zwischen 2,5 Tonnen und 3,5 Tonnen zulässigem Gesamtgewicht. |  | 3. Januar 2012 Euro III | Ab dem 4. Oktober 2010 entspricht der Emissionsstandard dem Euro III-Standard für Feinstaub (PM). Bei Fahrzeugen, deren Erstzulassung auf den 1. Januar 2002 oder den Zeitraum danach fällt, wird davon ausgegangen, dass sie diesem Standard entsprechen. |
| Minibusse. Dieselgetriebene Fahrzeuge zur Personenbeförderung mit mehr als acht Sitzplätzen plus Fahrersitz unter fünf Tonnen zulässigem Gesamtgewicht. |  | | Fahrzeuge, die die Emissionsstandards nicht erfüllen, können durch Nachrüsten auf den Euro III-Standard für Feinstaub (PM) gebracht werden. Für Fahrzeuge, die die Emissionsstandards der LEZ nicht einhalten, wird bei Nutzung innerhalb der Niedrigemissionszone (LEZ) eine Tagesgebühr fällig. |

Bei Fahrzeugen mit einem Erstzulassungsdatum vor Inkrafttreten der oben genannten Euro-Standards ist davon auszugehen, dass sie die Emissionsstandards der LEZ nicht erfüllen. Durch den Einbau eines Partikelfilters oder andere Maßnahmen kann dieser unter Umständen verbessert werden.

Hinweis und Empfehlung:

Auch wenn in Deutschland als Pkw zugelassenen Fahrzeuge grundsätzlich von den Bestimmungen der Niedrigemissionszone nicht betroffen sein dürften, zeigt die Erfahrung leider, dass kastenwagenähnliche Fahrzeuge von der Videoüberwachung sehr häufig wohl als Fahrzeuge der Klasse „Van“ erfasst werden. Es handelt sich dabei teils auch um sog. Mehrzweckfahrzeuge. Außerhalb Großbritanniens zugelassene Fahrzeuge dieser Kategorie müssten grundsätzlich registriert werden. Es kann daher empfehlenswert sein auch solche Fahrzeuge wie beispielsweise den Citroën Berlingo, den Renault Kangoo, den VW Caddy aber auch die T-Busse von Volkswagen sowie die Fahrzeuge der V-Reihe von Mercedes (die Aufzählung ist nicht

abschließend) vorsorglich zu registrieren. Dies gilt selbst dann, wenn solche Fahrzeuge als Benzinern betrieben werden. Dadurch kann verhindert werden, dass man sich später gegen Bußgeldbescheide zur Wehr setzen muss.

IV. Registrierung der Fahrzeuge

Alle Fahrzeuge, welche einem der genannten Typen entsprechen und nicht in Großbritannien zugelassen sind, müssen sich **vor dem Befahren der LEZ** registrieren lassen. **Dies gilt auch dann, wenn sie die Abgasnormen erfüllen.** Fahrzeuge, die diese nicht erfüllen müssen zusätzlich eine Tagesgebühr entrichten.

Auch bei Nichtregistrierung des Fahrzeugs drohen hohe Bußgelder (siehe VIII.)

Ein Registrierungsformular in deutscher Sprache kann unter den folgenden Links abgerufen werden: <https://legacy.epcplc.com/clients/tfl/lez/> oder www.tfl.gov.uk/lezlondon (Erstellung eines Accounts ist erforderlich). Zudem kann es auch unter der Rufnummer der LEZ-Helpline: +44 207 310 8998 angefordert werden. Die Registrierung ist kostenlos.

Da das Anmeldeverfahren bis zu zehn Arbeitstage in Anspruch nehmen kann, sollte dieses möglichst frühzeitig durchgeführt werden.

Wird eine registrierungspflichtiges Fahrzeug nicht registriert oder die LEZ vor Abschluss der Anmeldung befahren, ist in jedem Fall eine Tagesgebühr zu entrichten.

V. Gebühren

Die Gebührenhöhe richtet sich nach den jeweiligen Fahrzeugtypen. Eine Tagesgebühr gilt jeweils von Mitternacht bis Mitternacht.

| Fahrzeug | Gewicht | Tagesgebühr |
|---|--|-------------|
| Lkws, Wohnmobile und Pferdetransporter | Mehr als 3,5 Tonnen Leergewicht | £200 |
| Linien- und Reisebusse | Mehr als 5 Tonnen Leergewicht | |
| Große Transporter und Pferdetransporter | Zwischen 1,205 Tonnen Leergewicht und 3,5 Tonnen | £100 |
| Wohnmobile | Zwischen 2,5 und 3,5 Tonnen | |
| Kleinbusse | 5 Tonnen oder weniger Leergewicht | |

VI. Zahlungsmethoden

Die Gebühr kann auf verschiedene Weise entrichtet werden (Online unter www.tfl.gov.uk/lez-london, telefonisch oder per Post)

Die Zahlung der Gebühren kann bis zu 64 Tage im Voraus erfolgen, außerdem am Tag der Fahrt selbst oder bis Mitternacht des auf die Fahrt folgenden nächsten Werktages.

Bei **Mietfahrzeugen** ist beim Vermieter nachzufragen, ob das Fahrzeug bereits registriert ist und ob die Emissionsstandards erfüllt werden.

VII. Ausnahmen von der Gebührenpflicht

Vereinzelte Fahrzeuge sind von der Gebührenpflicht ausgenommen bzw. können einen 100%-igen Gebührennachlass erhalten. Sofern diese Fahrzeuge nicht in Großbritannien zugelassen sind, **müssen sie zunächst registriert werden**, um als unter die Ausnahmeregelung fallend anerkannt zu werden.

Folgende Fahrzeugtypen können u. a. unter die Ausnahmeregelung fallen:

- Historische Fahrzeuge, die vor dem 01.01.1973 gebaut wurden
- Reine Schaustellerfahrzeuge

VIII. Verstöße gegen die Mautpflicht

a. Überwachung der Mautpflicht

Die komplette LEZ wird durch fest installierte und mobile Kameras überwacht, welche automatisch die erfassten Kennzeichen mit der Datenbank abgleichen. Sobald festgestellt wird, dass das aufgenommene Fahrzeug registriert ist und die Abgasnormen erfüllt, ein 100%-iger Gebührenerlass besteht oder die Tagesgebühr entrichtet wurde, werden die Aufnahmen gelöscht.

b. Ahndung der Verstöße

Bei Nichtregistrierung des Fahrzeugs (siehe IV.) oder wenn die Tagesgebühr nicht bezahlt oder nicht rechtzeitig nachentrichtet wird, kann für jeden Tag ein Bußgeld (*Penalty Charge Notice*, PCN) erhoben werden. Auch bei fehlerhaften Angaben zum Kennzeichen oder zum Datum kann für jeden Tag ein Bußgeldbescheid erlassen werden.

Die Höhe der Bußgelder richtet sich nach der folgenden Tabelle (£100 = rund 113 Euro):

| Fahrzeug | Gewicht | Bußgeld | Bußgeld bei Zahlung innerhalb von 14 Tagen |
|---|---|---------|--|
| Größere Transporter; Geländewagen; motorisierte Pferdetransporte; Pickups | 1,205 Tonnen unbeladen - 3,5 Tonnen Leergewicht | £500 | £250 |
| Krankenwagen; Wohnmobile | 2,5 Tonnen bis 3,5 Tonnen Leergewicht | | |
| Minibusse (für mehr als 8 Passagiere) | 5 Tonnen oder weniger Leergewicht | | |
| LKW; Abschleppwagen; Wohnmobile; motorisierte Pferdetransporte; Kipplaster u.a. | Mehr als 3,5 Tonnen Leergewicht | £1000 | £500 |
| Linienbusse; Reisebusse (für mehr als 8 Passagiere) | Mehr als 5 Tonnen Leergewicht | | |

Wird das Bußgeld auch nach 28 Tagen nicht bezahlt, so erhöht es sich auf £1500 bzw. £750 (rund 1.693 bzw. 847 Euro).

Unterbleibt im Folgenden eine Zahlung, so wird der Betrag beim zuständigen britischen Landgericht eingetragen.

Hinweis: Da die LEZ per Video überwacht wird, ist die richtige Einordnung der aufgenommenen Fahrzeuge nicht immer gewährleistet. Kastenwagenähnliche Fahrzeuge (siehe Aufzählung unter III. Hinweis und Empfehlung) werden bei der Auswertung der Videoaufnahmen anscheinend regelmäßig nicht der Kategorie „Car“, sondern der Kategorie „Van“ zugeordnet. Die Fahrzeuge der Kategorie „Van“ (Leergewicht ab 1205 kg und zulässiges Gesamtgewicht bis 3,5t) müssten jedoch grundsätzlich vor der Einfahrt in die LEZ registriert werden, wenn sie im Ausland zugelassen sind.

c. Einspruch

Informationen zum Einspruch (Fristen, Modalitäten) sind dem jeweiligen Bußgeldbescheid beigelegt.

Hinweis: Aufgrund mehrerer positiven Rückmeldungen von Mitgliedern kann es bei Bußgeldbescheiden wegen der Nichtregistrierung von in Deutschland als Pkw zugelassenen Fahrzeugen empfehlenswert sein Einspruch einzulegen. Dabei sollte konkret darauf

hingewiesen werden, dass es sich bei dem Fahrzeug um ein als Personenkraftwagen zugelassenes Fahrzeug mit einer Schadstoffnorm Euro3 oder höher handelt. Dem Einspruch sollte eine Kopie der Zulassungsbescheinigung Teil 1 beigelegt werden. Eine Prognose über die Erfolgsaussichten eines solchen Einspruchs kann leider nicht abgegeben werden, da dies unterschiedlich gehandhabt wird.

Da die Bußgeldhöhe nicht immer korrekt ist, könnte zudem hilfsweise darauf hingewiesen werden, dass die Bußgeldhöhe zu hoch bemessen wurde, sofern dies im konkreten Fall gegeben ist.

Sollte dieser Einspruch im Laufe des Verfahrens abgelehnt werden, besteht die Möglichkeit, dies bei London Tribunals erneut vorzubringen. London Tribunals ist eine unabhängige Organisation, welche für die Überprüfung, der von den Londoner Verwaltungsbehörden sowie *Transport for London* ausgestellten Penalty Notice Charges zuständig ist. Einwendungen können auf Internetseite unter dem nachfolgenden Link geltend gemacht werden: www.londontribunals.gov.uk

d. Vollstreckung der Bußgelder

Liegen mindestens drei nicht bezahlte Bußgelder vor, so kann das Fahrzeug innerhalb des gesamten Großraum Londons fahruntüchtig gemacht (Parkkralle) oder abgeschleppt werden. Gegen Zahlung aller offenen Beträge einschließlich weiterer Kosten wird das Fahrzeug wieder freigegeben.

Das *Department for Transport* übergibt die Vollstreckung der Bußgelder bei im Ausland zugelassenen Fahrzeugen in der Regel dem Inkassobüro *Euro Parking Collection/EPC* mit Sitz in London. *EPC* beruft sich in seinen Formularschreiben, mit denen es die Geldbußen incl. hoher Bearbeitungskosten für seine Tätigkeit eintreiben will, auf einen Auftrag der erwähnten Bußgeldstelle. Vielen Kraftfahrern wird mit einem Mahnbescheid bzw. einer Klage und weiteren Kosten gedroht.

Eine Klage vor deutschen Gerichten ist grundsätzlich nicht möglich, da es sich hier um sog. öffentlich-rechtliche Forderungen handelt, für die die deutsche Gerichtsbarkeit nicht zuständig ist.

In Zusammenhang mit der seit dem 28.10.2010 möglichen Vollstreckung nicht bezahlter ausländischer Bußgelder in Deutschland ist Folgendes zu beachten: Private Inkassobüros (wie *EPC*) oder Anwaltskanzleien sind nicht befugt, nicht bezahlte Bußgelder nach Maßgabe der neuen Vollstreckungsregeln in Deutschland zu vollstrecken. Hierfür ist ausschließlich das Bundesamt für Justiz (BfJ) in Bonn zuständig (vgl. zur EU-Vollstreckung: Mitteilung für die Regionalclubs Nr.38/2010). Es ist jedoch davon auszugehen, dass Inkassobüros (wie *EPC, EMO, hps, Continental-Inkasso, Creditreform* etc.) in ihren

Zahlungsaufforderungen auf die (für sie nicht gegebene) neue EU- Vollstreckungsmöglichkeit verweisen, um Betroffene zu einer zügigen Zahlung zu bewegen.

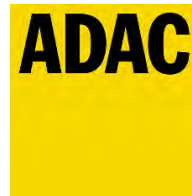
Nicht ausgeschlossen ist, dass *EPC* bei erfolglosen Zahlungsaufforderungen und Mahnungen auch deutsche Inkassounternehmen beauftragen wird, betroffene deutsche Autofahrer zu einer zügigen Zahlung zu bewegen. Auch auf diesem Wege ist grundsätzlich keine Vollstreckungsmöglichkeit gegeben.

Zu beachten ist jedoch, dass eine Vollstreckung in Großbritannien selbst möglich ist. Zu einer Vollstreckung des nicht bezahlten Bußgeldes vor Ort kann es beispielsweise dann kommen, wenn im Rahmen eines künftigen Aufenthalts in Großbritannien bei der Ein- oder Ausreise oder bei einer Verkehrskontrolle festgestellt wird, dass das Verwarnungsgeld nicht bezahlt wurde.

Quelle: www.tfl.gov.uk und <https://legacy.epcplc.com/clients/tfl/lez/>

Die Informationen wurden mit größtmöglicher Sorgfalt recherchiert, Stand September 2019

Alle Angaben ohne Gewähr!



Großbritannien: Probleme mit der City-Maut und *Ultra Low Emission Zone (ULEZ)* in London

Sehr geehrte Damen und Herren,

die Covid19-bedingte starke Zunahme des Verkehrs in der Stadt veranlasste den Bürgermeister der Stadt London, die Bestimmungen bzgl. der Londoner Citymaut vorübergehend zu verschärfen. Seit dem 22. 06.2020 gilt daher ein erhöhtes Entgelt für das Befahren der Zone, zudem wurden die Betriebszeiten verlängert. Ziel der Maßnahmen ist es, das gestiegene Verkehrsaufkommen wieder zu verringern.

Die vorliegende, überarbeitete Mitteilung enthält die aktualisierten Informationen über die Voraussetzungen der Mautpflicht, die Zahlungsmöglichkeiten und die Konsequenzen bei Nichtbezahlung der City-Maut und ULEZ. Über die Probleme in Zusammenhang mit der Niedrigemissionszone (LEZ) im Raum London wird in einer eigenen Mitteilung (vgl. Mitteilung für Regionalclubs Nr. 38/2018) informiert.

Diese Mitteilung ersetzt die Mitteilung für die Regionalclubs Nr. 31/2019.

Wenn Sie noch weitere Fragen rund um das Thema haben, helfen Ihnen die Club-Juristen unter der

Rufnummer (089) 76 76 – 24 23

gerne weiter.

Mit freundlichen Grüßen

A handwritten signature in black ink, appearing to read 'Schäpe', written in a cursive style.

Dr. Markus Schäpe
Leiter Juristische Zentrale

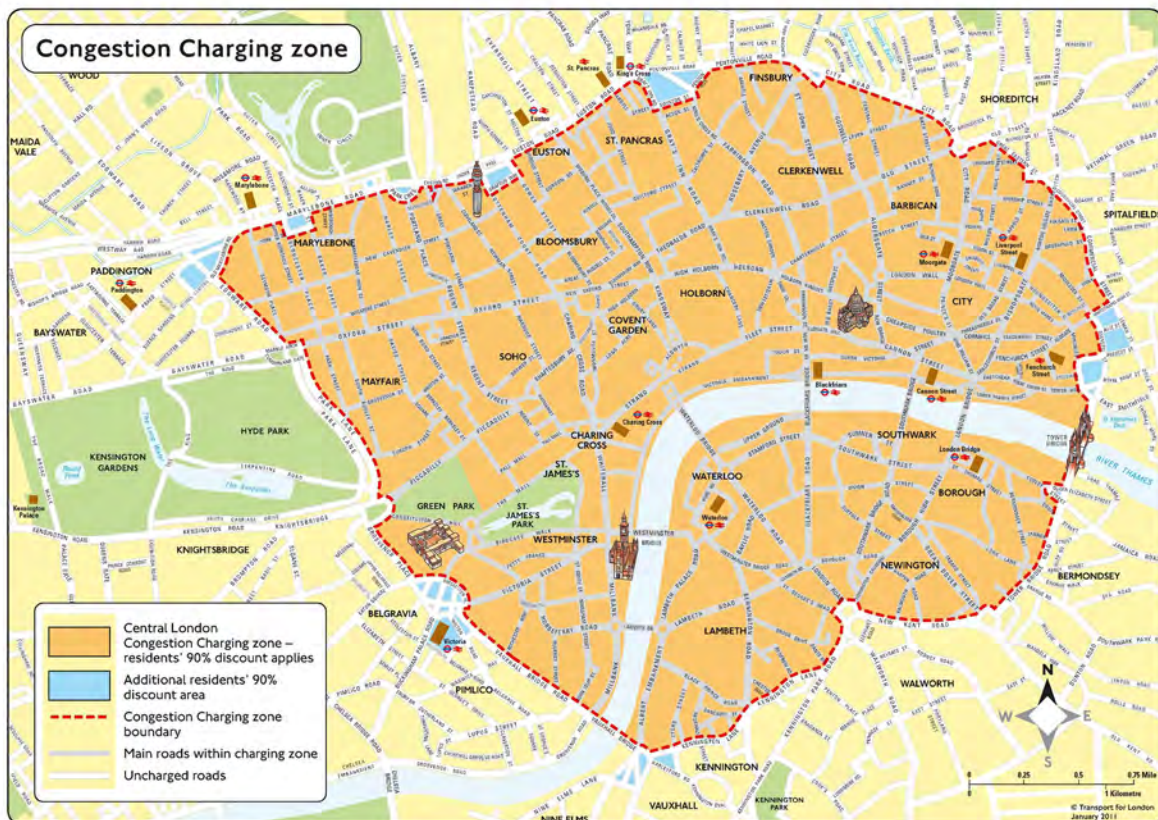
City-Maut London (London Congestion Charging Zone)

Seit dem 19.07.2007 gibt es in London die sog. Citymaut. Der Londoner Innenstadtbereich darf seitdem nur noch gegen Entrichtung einer Gebühr befahren werden. Mit der Einrichtung und Bewirtschaftung der Mautzone ist das Unternehmen *Transport for London* (TfL) betraut worden (= Verkehrsbetriebe der Stadt London). In den ersten zehn Jahren waren die Einnahmen aus der Citymaut zweckgebunden und dürfen nur für die Verbesserung des Transport- und Verkehrswezens in London verwendet werden.

I. Mautpflichtiges Gebiet

Die Citymaut-Gebührenzone umfasst die Bezirke Victoria, St. James, Waterloo, Borough, City of London, Clerkenwell, Finsbury, Holborn, Bloomsbury, Soho, Mayfair und Teile von Marleybone.

Mautpflichtig ist somit der Innenbereich Londons (s. Karte).



Beginn und das Ende der Zone sind jeweils durch entsprechende Verkehrszeichen bzw. Bodenmarkierungen gekennzeichnet.



Innerhalb dieser Zone ist **die Nutzung** oder **das Parken** von Fahrzeugen auf öffentlichen Straßen mautpflichtig.

Die Straßen in den Bezirksgrenzen um die Zone herum können ohne Bezahlung einer Mautgebühr befahren werden.

II. Mautpflichtiger Zeitraum

Die Innenstadt von London ist täglich, jeweils 7 bis 22 Uhr, gebührenpflichtig. Die Zahlung der Tagesmaut von £ 15 (~ 17 Euro) erlaubt die unbegrenzte Nutzung der Mautzone an diesem Tag. Gebührenfrei ist jeweils der 25. Dezember.

III. Mautpflichtige Fahrzeuge

Mautpflichtig sind alle Kraftfahrzeuge mit Ausnahme von einspurigen Motorrädern (auch mit Seitenwagen) und Mopeds.

IV. Zahlungsmethoden

Es stehen verschiedene Zahlungsmöglichkeiten zur Verfügung. Die Gebühr kann online, mittels einer entsprechenden App oder auch per Telefon entrichtet werden. Bei häufigen Fahrten besteht auch die Möglichkeit eine automatische Zahlungsoption einzurichten. Detaillierte Informationen zu den Zahlungsmöglichkeiten finden Sie auf der Homepage von *Transport for London* unter dem nachfolgenden Link: <https://tfl.gov.uk/modes/driving/congestion-charge/paying-the-congestion-charge>

V. Nachentrichtung der Maut

Nach Befahren der Citymaut-Zone kann die Maut innerhalb des Zeitraums bis Mitternacht des dritten mautpflichtigen Tages nach der Durchfahrt bezahlt werden. Eine Zahlung ist dann allerdings nur noch über die (britische) Hotline Nummer 0343 222 2222 oder online auf <https://tfl.gov.uk/modes/driving/pay-the-charge-select-vehicle-26283> möglich, wobei sich die Maut auf £ 17,50 (~ 20 Euro) erhöht.

VI. Ausnahmen von der Mautpflicht

Verschiedene Fahrzeuge sind von der Mautpflicht ausgenommen. Voraussetzung hierfür ist allerdings, dass die betreffenden Fahrzeuge **vor** Befahren der City-Mautzone **registriert** werden (siehe oben Punkt IV.):

- **Elektrisch betriebene Fahrzeuge**
- **Motorräder, Mopeds und Fahrräder**
- **Motordreiräder** mit bis zu einer Breite von 1 m und einer Länge von nicht mehr als 2 m.
- Kraftfahrzeuge und Transporter mit einer Emission von 75g/km CO₂ oder weniger, die den Euro 5 Standard (Transporter dürfen das Bruttogewicht von 3,5 Tonnen nicht überschreiten) erfüllen, einschließlich Elektrofahrzeuge und Plug-In-Hybridautos und Transporter, die auf der von TfL bestätigten Liste stehen (vgl. <https://tfl.gov.uk/modes/driving/congestion-charge>)

Für die vorgenannten Ausnahmen fällt bei der erforderlichen Anmeldung eine jährliche Registrierungsgebühr in Höhe von £ 10 (~ 11 Euro) an.

- **Inhaber eines blauen Behindertenparkausweises**
Auch Fahrzeuge von Personen mit Behinderung sind von der Mautpflicht befreit, wenn diese über einen blauen Behindertenparkausweis verfügen.

Auch hierzu ist eine Registrierung erforderlich, wobei jedoch nur eine einmalige Gebühr von £10 fällig wird. Dies gilt auch für Inhaber eines Behindertenparkausweises aus einem anderen Mitgliedstaat der Europäischen Union. Es können bis zu zwei Fahrzeuge registriert werden. Dies bedeutet, dass auch Fahrzeuge von Personen, welche eine Person mit Behindertenparkausweis fahren (Bekannte, Verwandte oder Pflegepersonal) registriert werden. Die Befreiung gilt jedoch nur für Fahrten **mit** dem Inhaber des Parkausweises, ansonsten muss die Mautgebühr von £10 entrichtet werden. Das Antragsformular ist unter <https://tfl.gov.uk/modes/driving/congestion-charge> erhältlich.

- **Fahrzeuge mit mindestens neun Sitzplätzen**

Fahrzeuge mit mindestens neun Sitzplätzen, die nicht als Bus lizenziert sind oder solche, die in Nordirland oder einem anderen Mitgliedstaat der EU zugelassen sind, erhalten eine Ermäßigung von 100 %, wenn sie sich bei TfL registrieren lassen. Für die Registrierung fällt eine jährliche Registrierungsgebühr in Höhe von £10 an.

Das entsprechende Antragformular finden Sie unter folgendem Link:

<https://tfl.gov.uk/modes/driving/congestion-charge>

VII. Verstöße gegen die Mautpflicht

a. Überwachung der Mautpflicht

Bei der Einfahrt in die Mautzone sowie innerhalb und auch beim Verlassen der Mautzone wird das Kennzeichen des Fahrzeugs mittels Kameras erfasst und automatisch mit der Datenbank abgeglichen. Ergibt der Abgleich, dass die Maut entrichtet worden ist oder ein Ausnahmetatbestand gegeben ist, werden die Aufnahmen gelöscht.

b. Ahndung der Verstöße

Wird die Maut hingegen nicht oder nicht rechtzeitig (spätestens bis zum Ende des darauffolgenden Tages) nachentrichtet, so wird ein Bußgeld erhoben. Auch bei fehlerhaften Angaben zum Kennzeichen oder zum Datum kann ein Bußgeldbescheid (sog. *Penalty Charge Notice*, abgekürzt: PCN) erlassen werden.

Das Bußgeld beträgt £ 160 (~ 180 Euro). Wird das Bußgeld innerhalb von 14 Tagen bezahlt, so reduziert es sich auf £ 80 (~ 90 Euro). Erfolgt jedoch auch innerhalb von 28 Tagen keine Bezahlung, so erhöht sich das Bußgeld auf £ 240 (~ 270 Euro).

c. Einspruch

Informationen zum Einspruch (Fristen, Modalitäten) sind dem jeweiligen Bußgeldbescheid beigefügt. Sollte dieser im Laufe des Verfahrens abgelehnt werden, besteht die Möglichkeit, dies bei London Tribunals erneut vorzubringen. London Tribunals ist eine unabhängige Organisation, welche für Überprüfung, der von den Londoner Verwaltungsbehörden sowie *Transport for London* ausgestellten *Penalty Notice Charges* zuständig ist. Einwendungen können auf Internetseite unter dem nachfolgenden Link geltend gemacht werden: www.londontribunals.gov.uk

d. Vollstreckung der Bußgelder

Liegen mindestens drei nicht bezahlte Bußgelder vor, so kann das Fahrzeug innerhalb des gesamten Großraum Londons fahruntüchtig gemacht (Parkkralle) oder abgeschleppt werden. Gegen Zahlung aller offenen Beträge einschließlich weiterer Kosten wird das Fahrzeug wieder freigegeben.

Das *Department for Transport* übergibt die Vollstreckung der Bußgelder bei im Ausland zugelassenen Fahrzeugen in der Regel dem Inkassobüro *Euro Parking Collection/EPC* mit Sitz in London. *EPC* beruft sich in seinen Formularschreiben, mit denen es die Geldbußen incl. hoher Bearbeitungskosten für seine Tätigkeit eintreiben will, auf einen Auftrag der erwähnten Bußgeldstelle. Vielen Kraftfahrern wird mit einem Mahnbescheid bzw. einer Klage und weiteren Kosten gedroht.

Eine Klage vor deutschen Gerichten ist grundsätzlich nicht möglich, da es sich hier um sog. öffentlich-rechtliche Forderungen handelt, für die die deutsche Gerichtsbarkeit nicht zuständig ist.

In Zusammenhang mit der seit dem 28.10.2010 möglichen Vollstreckung nicht bezahlter ausländischer Bußgelder in Deutschland ist Folgendes zu beachten: Private Inkassobüros (wie *EPC*) oder Anwaltskanzleien sind nicht befugt, unbezahlte Bußgelder nach Maßgabe der neuen Vollstreckungsregeln in Deutschland zu vollstrecken. Hierfür ist ausschließlich das Bundesamt für Justiz (BfJ) in Bonn zuständig (vgl. zur EU-Vollstreckung: Mitteilung für die Regionalclubs Nr. 38/2010). Dies hält private Inkassodienstleister jedoch oftmals nicht davon ab, in ihren Zahlungsaufforderungen unzulässigerweise auf die (für sie nicht gegebene) neue EU- Vollstreckungsmöglichkeit zu verweisen, um Betroffene zu einer zügigen Zahlung zu bewegen.

Nicht ausgeschlossen ist zudem, dass *EPC* bei erfolglosen Zahlungsaufforderungen und Mahnungen auch deutsche Inkassounternehmen beauftragen wird, betroffene deutsche Autofahrer zu einer zügigen Zahlung zu bewegen. Auch auf diesem Wege ist grundsätzlich keine Vollstreckungsmöglichkeit gegeben.

Zu beachten ist jedoch, dass eine Vollstreckung in Großbritannien selbst möglich ist. Zu einer Vollstreckung des nicht bezahlten Bußgeldes vor Ort kann es beispielsweise dann kommen, wenn im Rahmen eines künftigen Aufenthalts in Großbritannien bei der Ein- oder Ausreise oder bei einer Verkehrskontrolle festgestellt wird, dass das Verwarnungsgeld nicht bezahlt wurde.

Ultra Low Emission Zone (ULEZ) - Ultra Niedrig-Emissionszone

Zusätzlich zur Citymaut wird seit dem 08.04.2019 für bestimmte Fahrzeuge innerhalb der *ULEZ* eine zusätzliche Tagesgebühr erhoben. Sie ersetzt die zwischenzeitlich erhobene Toxicity Charge.



Hintergrund hierfür ist, dass die Luftverschmutzung in der Londoner Innenstadt trotz Einführung der Citymaut weiterhin massiv ist. Um diese zu verringern sollen Fahrzeuge, welche die entsprechenden Schadstoffemissionsklassen nicht erreichen, durch eine zusätzliche Gebühr vom Befahren der Innenstadtzone abgehalten werden.

Die *ULEZ* hat die gleiche räumliche Ausdehnung wie die Citymaut Zone. Allerdings gilt sie 24 Stunden am Tag und sieben Tage die Woche (außer am Weihnachtstag).

Zum 25.10.2021 wird die *ULEZ* ausgeweitet werden.

Weiter Informationen finden Sie auf der Homepage von Transport for London unter dem nachfolgenden Link: <https://tfl.gov.uk/modes/driving/ultra-low-emission-zone>

I. Betroffene Fahrzeuge

Die zusätzliche Gebühr muss nur für solche Fahrzeuge entrichtet werden, welche die erforderlichen Schadstoffemissionsklassen nicht erreichen.

Je nach Fahrzeugtyp gelten folgende Mindestschadstoffemissionsklassen:

- Motorräder, Mopeds, Quads und Trikes: Euro 3
- **Benziner** Pkw, Minibusse und Mehrzweckfahrzeuge: Euro 4
- **Diesel** Pkw, Minibusse und Mehrzweckfahrzeuge: Euro 6
- Lkw, Busse und Reisebusse und schwere Mehrzweckfahrzeuge: Euro VI

Hinweis:

ALLE nicht in Großbritannien zugelassenen Fahrzeuge müssen bei *Transport for London* registriert werden, da die britischen Behörden bei diesen Fahrzeugen keinen automatisierten Zugriff auf die Daten haben.

Die Registrierung ist kostenfrei bei den nachfolgenden zwei Stellen möglich:

<https://www.epcplc.com/de/ulez/register>

<https://tfl.gov.uk/modes/driving/compliance-registration/before-you-start>

II. Relevante Ausnahmen

Oldtimer, welche der Oldtimerbesteuerung unterliegen (*Historic Tax class*), also 40 Jahre und älter sind sowie gewerbliche Fahrzeuge, welche vor 1973 hergestellt wurden, sind von der ULEZ ausgenommen. Im Ausland zugelassene Oldtimer müssen bei *Transport for London* registriert werden.

Fahrzeuge, welche auf eine schwerbehinderte Person zugelassen sind und aus diesem Grund teilweise oder ganz von der Kfz-Steuer befreit sind, können nach den vorliegenden Informationen von einer Übergangsfrist profitieren. In diesem Fall sind sie bis zum 26.10.2025 von der Gebühr befreit sein. Hierzu muss das Fahrzeug mit den entsprechenden Unterlagen bei *Transport for London* registriert werden. Ab dem 27. Oktober 2025 entfällt diese Befreiung; dann muss auch für diese Fahrzeuge, wenn sie den ULEZ-Emissionsstandards nicht entsprechen, die Gebühr entrichtet werden.

Informationen hierzu sowie zu weiteren Ausnahmen finden Sie auf der Homepage von *Transport for London* unter dem nachfolgenden Link: <https://tfl.gov.uk/modes/driving/ultra-low-emission-zone/discounts-and-exemptions?intcmp=52218#on-this-page-4>

III. Gebühr

Fahrzeuge, welche die erforderlichen Schadstoffemissionsklassen nicht erreichen, müssen zusätzlich zur Citymaut eine tägliche Gebühr in nachfolgender Höhe entrichten:

£ 12,50 (~ 14 Euro)

PKW, Motorräder und Vans (Mehrzweckfahrzeuge bis zu einem zulässigen Gesamtgewicht von einschließlich 3,5t)

£ 100 (~ 112 Euro) schwerere Fahrzeuge inklusive LKWs über 3,5t, Busse und Reisebusse und schwere Mehrzweckfahrzeuge

Die Gebühr muss bis Mitternacht des dritten Tages nach der Reise entrichtet werden. Sie kann aber auch bis zu 90 Tage im Voraus bezahlt werden.

Es stehen verschiedene Zahlungsmöglichkeiten zur Verfügung. Die Gebühr kann online, mittels einer entsprechenden App oder auch per Telefon entrichtet werden. Bei häufigen Fahrten besteht auch die Möglichkeit, eine automatische Zahlungsoption einzurichten. Detaillierte Informationen zu den Zahlungsmöglichkeiten finden Sie auf der Homepage von Transport for London unter dem nachfolgenden Link: <https://tfl.gov.uk/modes/driving/ultra-low-emission-zone/ulez-payments>

IV. Verstöße gegen die ULEZ Bestimmungen

a. Überwachung

Bei der Einfahrt in die *ULEZ* sowie innerhalb und auch beim Verlassen der *ULEZ* wird das Kennzeichen des Fahrzeugs mittels Kameras erfasst und automatisch mit der Datenbank abgeglichen. Ergibt der Abgleich, dass die Gebühr entrichtet worden ist oder ein Ausnahmetatbestand gegeben ist, werden die Aufnahmen gelöscht.

b. Ahndung der Verstöße

Wird die Gebühr hingegen nicht oder nicht rechtzeitig (spätestens bis Mitternacht des Reisetages) nachentrichtet oder wurde das Fahrzeug nicht registriert, so wird ein Bußgeldbescheid (sog. *Penalty Charge Notice*, abgekürzt: *PCN*) erlassen werden.

Das Bußgeld beträgt bspw. für Pkw, Motorräder und Vans £160 (~ 180 Euro). Wird das Bußgeld innerhalb von 14 Tagen bezahlt, so reduziert es sich auf £80 (~ 90 Euro). Erfolgt jedoch auch innerhalb von 28 Tagen keine Bezahlung, so erhöht sich das Bußgeld auf £240 (~ 270 Euro). Informationen zu Bußgeldern für andere Fahrzeugklassen finden Sie auf der Homepage von *Transport for London* unter dem nachfolgenden Link: <https://tfl.gov.uk/modes/driving/ultra-low-emission-zone/penalty-charges-for-ulez>

c. Einspruch

Ein Einspruch kann innerhalb von 28 Tagen schriftlich bei oder über die Internetseite unter dem nachfolgenden Link eingelegt werden:

Low Emission Zone
PO Box 553
Darlington DL1 9TZ

Online: <https://tfl.gov.uk/modes/driving/ultra-low-emission-zone/challenge-a-penalty-charge-notice>

Weitere Informationen zum Einspruch (Fristen, Modalitäten) sind auch dem jeweiligen Bußgeldbescheid beigelegt.

Bei Ablehnung besteht auch hier die Möglichkeit, dies bei *London Tribunals* erneut vorzubringen (siehe obige Ausführungen).

d. Vollstreckung der Bußgelder

Hinsichtlich der Vollstreckbarkeit von Bußgeldern aufgrund von Verstößen gegen die Bestimmungen der *ULEZ* verweisen wir auf die oben gemachten Ausführungen.

Quelle : www.tfl.gov.uk

Die Informationen wurden mit größtmöglicher Sorgfalt recherchiert, Stand November 2020

Alle Angaben ohne Gewähr!



Collecting evidence for policy making - Survey on UVARs (Key ARS) for Road Users

The European Commission is considering a revision on the **Cross-Border Enforcement Directive** (Directive (EU) 2015/413) that facilitates cross-border exchange of information on road-safety-related traffic offences (hereafter called the **CBE Directive**). The revision would aim at increasing the efficiency and effectiveness of the CBE Directive, improving the exchange of information on road traffic offences as well as the subsequent effect on enforcement of road traffic rules.

In the following survey, we would like to ask you some questions on **Urban Vehicle Access Regulations (UVARs)** implemented in the European Union. The questions will focus on those UVARs related to road safety and violations of the UVAR criteria by foreigners/non-residents. We identified the following '**Key-Access Restriction Schemes**' (**Key-ARS**) as the most important road-safety-related UVARs:

- Limited Traffic Zones
- Areas/zones with restrictions for vehicles of particular weight/category (e.g. lorry or truck, bicycle, ...) or for specific trips (e.g. delivery, emergency, ...)
- Areas/zones with specific technical requirements for vehicles (e.g. the obligation to have installed specific rear mirrors or a safety wing mirror)
- Access/delivery time windows
- Traffic bans
- Pedestrian Zones (protection of vulnerable road users)

Please note that road-safety-related UVARs do not include congestion and environmental charging of vehicles, parking fees (management of stationary traffic) and urban access regulation schemes related to the protection of environment.

Your information is important for the evidence-based policy making of the European Union. This survey is specifically **directed towards road users** (e.g. drivers, professional and otherwise).

This survey is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety). The evidence collected in this survey will be used as inputs in the estimation of costs and benefits carried out during the Impact Assessment support study for the revision of the Cross-Border Enforcement Directive and also as the input for analysis of impacts concerning the revision of Directive 2006/126/EC on driving licences (Recast).

No confidential information is asked for in this survey. Any private information collected by us, i.e. the European Commission's appointed research contractor (Ecorys, and its partners Grimaldi and Wavestone), will not be shared with anyone outside the research team. For more information on our data privacy policy, please click on the following link: [Privacy notice](#)

If you have any remaining questions, please don't hesitate to contact us at cbe@ecorys.com.

***In which countries did you have experience with Key-ARS?**

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France

Germany

Greece

Hungary

Ireland

Italy

Latvia

Lithuania

Luxembourg

Malta

Netherlands

Poland

Portugal

Romania

Slovakia

Romania

Slovakia

Slovenia

Spain

Sweden

Switzerland

Liechtenstein

Iceland

Norway

Other, please specify

***How were you informed on the applicable Key-ARS rules/entry requirements?**

By road signs

By road signs, but not in a language that I speak/understand

I found the information myself

I was not informed

Other, please specify

I do not know

There are low-emission zones in the Belgian cities of Brussels, Antwerp and Ghent. Violations of the access restrictions are also punishable by fines. The information is indicated on the spot with signs, and you have to find out about the access modalities in advance on the internet.

***Were the boundaries of the Key-ARS clearly defined with road signs?**

Yes, but not in a language I speak or understand

Yes, in a language I speak or understand

No

Other, please specify

I do not know

The low-emission zones in Antwerp, Brussels and Ghent are marked with the following traffic sign:



***Did you need to register your vehicle before your trip/journey, and if so, did you experience any difficulties with this registration (e.g. language barrier, payment method, ...)?**

In principle, only petrol vehicles and vehicles powered by LPG or natural gas, each with Euronorm 1 to 6, and diesel vehicles with Euronorm 4 to 6 are allowed to enter the Antwerp low-emission zone. The access permit also applies to diesel vehicles with Euronorm 3 and a soot particle filter.

Foreign vehicles that meet these requirements must register before entering the low-emission zone. Registration can be completed up to 24 hours after entry. Belgian and Dutch vehicles that meet the registration requirements do not need to register.

Diesel vehicles with Euronorm 3 without soot particle filter, certain commercially or professionally used diesel vehicles with Euronorm 2 or 3 without soot particle filter as well as vintage cars older than 40 years can enter the low-emission zone against payment.

Other vehicles can enter the low-emission zone a maximum of eight times a year against the purchase of a day ticket.

In addition, an exception applies to vehicles that have been converted for disabled access, if a corresponding disabled parking permit is also available. Registration is possible free of charge online via the link <https://lez.antwerpen.be/?Taal=DE>.

Vehicles that do not meet the registration requirements but are allowed to enter the low-emission zone against payment (e.g. diesel vehicles with Euronorm 3 without soot particle filter or vintage cars older than 40 years) require temporary registration against payment. This permit must be applied for in advance of entering the low-emission zone via www.sna.be/de/lez.

The following applies in Brussels:

The low-emission zone has so far particularly affected cars, vans, transporters up to 3.5 t zGG, buses and coaches that do not meet the prescribed Euro standard. This applies to both Belgian and foreign vehicles.

Other vehicles, including motorbikes, mopeds, lorries with a gross vehicle weight of over 3.5 t (only for transporting goods) and mobile homes are not subject to the regulations of the low-emission zone until further notice. However, motor caravans must be equipped in such a way that they serve as a place to stay and have permanently installed furnishings in the living area, including at least a table, chairs, beds, kitchenette and storage space.

Since 2020, the access ban has applied to diesel vehicles with Euro standard 3 or older and from 2022 to diesel vehicles with Euro standard 4.

Diesel vehicles with Euro standards 5, 5 a and 5 b as well as petrol vehicles with Euro standard 2 will be affected from 2025.

There are exemptions for emergency vehicles, military vehicles and certain official and construction vehicles. Specially equipped market, fair and sales vehicles, for example, are also not affected by the access ban.

An exception also applies to Belgian classic cars with a vehicle age of more than 30 years and an "O" registration plate. On the other hand, foreign classic cars that have been registered for road use for more than 30 years are only exempt from the restrictions of the low-emission zone if they are part of a business concept, e.g. rental of wedding vehicles.

In addition, an exemption applies to vehicles that have been converted for the disabled if they also have a corresponding severely disabled parking permit, as well as to vehicles that are equipped with a wheelchair lift.

Foreign vehicles that are generally covered by the regulations of the low-emission zone but are not affected by the access ban must register before entering the low-emission zone. Registration is free of charge and possible for foreign vehicles at <https://irisbox.irisnet.be/irisbox/noauth/form/bruxelles-fiscalite/registration-lez> on the Internet. Belgian vehicles that meet the registration requirements do not need to register.

Overall, the procedure is relatively complicated.

***Have you ever been sanctioned/fined for violation of Key-ARS in a foreign European municipality (e.g. financial penalty)?**

Yes

No

Within the scope of ADAC legal advice, we have a manageable number of members who have received a fine due to a violation in connection with a Belgian low-emission zone. Violations of the low-emission zone regulations have been punishable by a fine of € 150.00 to € 350.00.

***Did the penalty notice arrive in your native language/in a language you speak/understand?**

Yes

No

I do not know

Yes, in most cases the penalty notices are issued in the native language of the person concerned.

***Was it clear from the penalty notice what is the offence and what is the appeal procedure?**

Yes, both the offence and the appeal procedure were clear

The offence was clear, but the appeal procedure was not

The offence was not clear, but the appeal procedure was

No, the offence was unclear and the appeal procedure, too

Other, please specify

I do not know

***Could you kindly elaborate more on your personal experience with the penalty for a violation of Key-ARS in a foreign European municipality (e.g. process, evidence used, timeline, ...)?**

In practice, detours that make it necessary to drive through the low-emission zone lead to violations. In principle, it is possible to exculpate oneself by referring to the diversions. However, indications of the possibility of this subsequent objection are difficult to find.

***Do you consider the access of foreigners/non-residents to information on Key-ARS in the EU as satisfactory? If not, what is the problem?**

Information about the low-emission zones in Belgium is available in several languages on the internet.

The general problem is that there are far too many regionally different regulations. A comprehensive presentation of all regulations in force in the EU (and their continuous updating) as an app or on a website that is easily accessible to the general public would be ideal, but it would require considerable manpower, financial resources and time.

***Do you consider the application of Key-ARS in the EU as an obstacle to free movement of persons and goods? If yes, please explain why**

In principle no

***Do you consider the application of Key-ARS in the EU as respecting equal treatment of resident and non-resident/foreign drivers? If not, what is the problem?**

According to our information, there is no registration obligation for vehicles registered in Belgium and the Netherlands with regard to the Belgian low-emission zones.

Thank you for finalising all the questions of this survey! If you have any feedback or remaining comments, please use the space below:



Collecting evidence for policy making - Survey on UVARs (Key ARS) for Road Users

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- Cyprus
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- Estonia
- Finland
- France

Germany

Greece

Hungary

Ireland

Italy

Latvia

Lithuania

Luxembourg

Malta

Netherlands

Poland

Portugal

Romania

Slovakia

Romania

Slovakia

Slovenia

Spain

Sweden

Switzerland

Liechtenstein

Iceland

Norway

Other, please specify

***How were you informed on the applicable Key-ARS rules/entry requirements?**

By road signs

By road signs, but not in a language that I speak/understand

I found the information myself

I was not informed

Other, please specify

I do not know

Permanent environmental zones (Zone à Circulation Restrainte / ZCR) are indicated by signs, but not the sporadic environmental zones ZPA (Zone de Protection de l'Air): Here, local announcements, e.g. by electronic displays, as well as notifications in the media and on the Internet, must be followed in order to be aware of a possible environmental alert and the associated restrictions.

***Were the boundaries of the Key-ARS clearly defined with road signs?**

Yes, but not in a language I speak or understand

Yes, in a language I speak or understand

No

Other, please specify

I do not know

In France, a distinction is made between sporadic low-emission zones (Zone de Protection de l'Air / ZPA) and fixed, permanently established low-emission zones (Zone à Circulation Restrainte / ZCR).

Sporadic low-emission zones are referred to as ZPAs. They usually apply to larger areas, e.g. metropolitan regions, entire départements or certain cities including the surrounding municipalities.

Restrictions of the ZPA do not apply permanently, but only after a so-called pollution alert has been declared by the competent authority (prefecture). This only happens when an air pollution peak is reached, i.e. when certain air pollution limits are exceeded.

The concrete regulations and restrictions vary in the individual ZPA low-emission zones. In principle, however, restrictions and driving bans for certain vehicles take effect as soon as the pollution alert has been declared if the specified limit values are exceeded. Depending on the duration of the air pollution peak and the level of pollution, the driving bans may affect additional vehicles. The vehicles affected are determined on the basis of the Crit'Air vignette, which must be affixed to the windscreen in the vehicle for road use during the ban periods.

In some cases, the driving bans are preceded by other measures, e.g. reduction of the maximum permitted speeds.

As long as no environmental alert has been declared, there are no restrictions on driving in a ZPA. Vehicles without a Crit'Air Vignette may then also drive in the zone.

According to our information, there are sporadic low-emission zones (ZPA) in the metropolitan regions of Paris, Grenoble, Lille, Lyon, Strasbourg and Toulouse, as well as in the following departments: Deux-Sèvres, Creuse, Eure-et-Loir, Gers, Haute-Savoie, Loiret, Maine-et-Loire, Puy-de-Dôme, Pyrénées-Atlantiques, Savoie, Vendée, and Vienne.

In contrast to permanent low-emission zones, sporadic low-emission zones (ZPAs) are not identified by appropriate signage. Only when an air pollution peak is reached and the environmental alert is declared is the exact area within the département in which the traffic restrictions apply determined by a separate decision of the prefect. Thus, in individual cases, the entire area of the corresponding département may be covered by the driving bans. As a rule, the restrictions also apply to sections of motorways or national roads serving interregional traffic in the affected area.

Then vehicles without a French environmental sticker, the so-called Crit'Air Vignette, are no longer allowed to drive. The prefects' orders can be issued at very short notice, usually only on the day before an environmental alert. In principle, there is no signposting as a low-emission zone by means of traffic signs. It is therefore advisable to find out about the location and limits of low-emission zones in the region you are travelling to before you visit France. On the spot, one must then pay attention to local announcements, e.g. by means of electronic notices, as well as notices in the media and on the Internet, in order to be aware of a possible environmental alert and the associated restrictions. For drivers who do not understand the French language, this may become problematic under certain circumstances.

The ZCR (Zone à Circulation Restreinte) is a fixed, permanently established low-emission zone whose regulations apply permanently, i.e. independently of specific air pollution levels.

These low-emission zones are usually much smaller than the ZPAs that often surround them, and mostly affect city centres. Despite the permanent validity of the regulations of a ZCR, the applicable restrictions may be limited in time. For example, there may be exceptions to the otherwise applicable driving bans for certain days of the week, e.g. at weekends, or for certain periods, e.g. at night.

The driving bans are generally limited to certain vehicles. The stipulations may refer to certain types of vehicles, e.g. cars, lorries, etc., to the vehicle age and to the pollutant class, according to which the Crit'Air vignette is also allocated.

As proof of the right to drive, the presence of a corresponding Crit'Air Vignette of the respective prescribed categories is required during the driving ban periods for the vehicle classes concerned. The vignette must be stuck on the windscreen of the vehicle, the fulfilment of the allocation criteria is not sufficient without a vignette.

Usually, the spatially limited ZCRs are located within a larger ZPA. When the environmental alert is declared in the ZPA, any stricter regulations of the ZPA then also apply in the ZCR. Permanent low-emission zones exist, for example, in the cities and metropolitan regions of Paris, Strasbourg, Grenoble, Lille, Lyon and Toulouse.

The fixed low-emission zones ZCR - beginning and end - are usually marked by the following traffic signs:



If necessary, time or vehicle-related restrictions may be indicated by additional signs. Nevertheless, it is advisable to enquire in advance about the specific time and vehicle-related regulations that apply.

***Did you need to register your vehicle before your trip/journey, and if so, did you experience any difficulties with this registration (e.g. language barrier, payment method, ...)?**

Since the beginning of 2017, the environmental badge ("Pastille" or "Vignette") has been available in France for foreign vehicles as well, which provides proof of the right to drive in the Paris low-emission zone and in other low-emission zones. Without an environmental sticker, vehicles are not allowed to drive in the low-emission zones (in the ZPA when the environmental alert is in force).

Every vehicle that wants to enter a French low-emission zone requires a Crit'Air vignette. Without this environmental sticker, the low-emission zones may not be entered, even if the vehicle would fulfil the legal requirements for their allocation.

The Crit'Air vignette can only be ordered online and is also available for vehicles not registered in France on the official website of the French Ministry of the Environment at <https://www.certificat-air.gouv.fr/>, which is also available in German. The vignette is sent by mail. In addition, companies such as Green-Zones GmbH offer an order option on the Internet.

Via the website of the French Ministry of the Environment, the environmental sticker costs € 4.80 including shipping costs. When ordering from other providers, the costs are usually much higher. As the order can only be placed online and the sticker is only sent by mail, it is unfortunately not possible to receive the French Crit'Air Vignette at short notice. Considerable processing and post delivery times, usually at least two to three weeks, must be taken into account.

According to our information, there is therefore a transitional provision for the period between application and delivery of the environmental sticker. Once the sticker has been successfully ordered, an order confirmation is sent, which also shows the following sticker. As far as we know, this order confirmation is valid as provisional proof of driving authorisation until the actual sticker is delivered, provided that it is printed out in colour or visibly deposited in the vehicle.

***Have you ever been sanctioned/fined for violation of Key-ARS in a foreign European municipality (e.g. financial penalty)?**

Yes

No

In the ADAC's advisory practice, we have not yet become aware of any case in which a fine was imposed on a member in relation to the French low-emission zone.

***Did the penalty notice arrive in your native language/in a language you speak/understand?**

Yes

No

I do not know

In the ADAC's advisory practice, we have not yet become aware of any case in which a fine was imposed on a member in relation to the French low-emission zone.

***Was it clear from the penalty notice what is the offence and what is the appeal procedure?**

Yes, both the offence and the appeal procedure were clear

The offence was clear, but the appeal procedure was not

The offence was not clear, but the appeal procedure was

No, the offence was unclear and the appeal procedure, too

Other, please specify

I do not know

In the ADAC's advisory practice, we have not yet become aware of any case in which a fine was imposed on a member in relation to the French low-emission zone.

***Could you kindly elaborate more on your personal experience with the penalty for a violation of Key-ARS in a foreign European municipality (e.g. process, evidence used, timeline, ...)?**

In the ADAC's advisory practice, we have not yet become aware of any case in which a fine was imposed on a member in relation to the French low-emission zone.

***Do you consider the access of foreigners/non-residents to information on Key-ARS in the EU as satisfactory? If not, what is the problem?**

The example of France with the different local regulations shows that the information about the many different regulations in the EU is not sufficient. The problem is that there are far too many regionally different regulations. A comprehensive presentation of all regulations in force in the EU (and their continuous updating) as an app or on a website that is easily accessible to the general public would be ideal, but it would require considerable manpower, financial resources and time.

***Do you consider the application of Key-ARS in the EU as an obstacle to free movement of persons and goods? If yes, please explain why**

In principle no

***Do you consider the application of Key-ARS in the EU as respecting equal treatment of resident and non-resident/foreign drivers? If not, what is the problem?**

The information, which in many cases is (linguistically) incomprehensible and difficult to access for non-resident or foreign drivers, can in our view lead to a disadvantage for non-resident and foreign drivers. The complicated acquisition of vignettes is a problem for foreign drivers.

Thank you for finalising all the questions of this survey! If you have any feedback or remaining comments, please use the space below:



Collecting evidence for policy making - Survey on UVARs (Key ARS) for Road Users

The European Commission is considering a revision on the **Cross-Border Enforcement Directive** (Directive (EU) 2015/413) that facilitates cross-border exchange of information on road-safety-related traffic offences (hereafter called the **CBE Directive**). The revision would aim at increasing the efficiency and effectiveness of the CBE Directive, improving the exchange of information on road traffic offences as well as the subsequent effect on enforcement of road traffic rules.

In the following survey, we would like to ask you some questions on **Urban Vehicle Access Regulations (UVARs)** implemented in the European Union. The questions will focus on those UVARs related to road safety and violations of the UVAR criteria by foreigners/non-residents. We identified the following '**Key-Access Restriction Schemes**' (**Key-ARS**) as the most important road-safety-related UVARs:

- Limited Traffic Zones
- Areas/zones with restrictions for vehicles of particular weight/category (e.g. lorry or truck, bicycle, ...) or for specific trips (e.g. delivery, emergency, ...)
- Areas/zones with specific technical requirements for vehicles (e.g. the obligation to have installed specific rear mirrors or a safety wing mirror)
- Access/delivery time windows
- Traffic bans
- Pedestrian Zones (protection of vulnerable road users)

Please note that road-safety-related UVARs do not include congestion and environmental charging of vehicles, parking fees (management of stationary traffic) and urban access regulation schemes related to the protection of environment.

Your information is important for the evidence-based policy making of the European Union. This survey is specifically **directed towards road users** (e.g. drivers, professional and otherwise).

This survey is conducted by Ecorys (lead), Grimaldi and Wavestone on behalf of the European Commission, Directorate General Mobility and Transport (DG MOVE), Unit C2 (Road Safety). The evidence collected in this survey will be used as inputs in the estimation of costs and benefits carried out during the Impact Assessment support study for the revision of the Cross-Border Enforcement Directive and also as the input for analysis of impacts concerning the revision of Directive 2006/126/EC on driving licences (Recast).

No confidential information is asked for in this survey. Any private information collected by us, i.e. the European Commission's appointed research contractor (Ecorys, and its partners Grimaldi and Wavestone), will not be shared with anyone outside the research team. For more information on our data privacy policy, please click on the following link: [Privacy notice](#)

If you have any remaining questions, please don't hesitate to contact us at cbe@ecorys.com.

***In which countries did you have experience with Key-ARS?**

- Austria
- Belgium
- Bulgaria
- Croatia
- Cyprus
- Czechia
- Denmark
- Estonia
- Finland
- France

Germany

Greece

Hungary

Ireland

Italy

Latvia

Lithuania

Luxembourg

Malta

Netherlands

Poland

Portugal

Romania

Slovakia

Romania

Slovakia

Slovenia

Spain

Sweden

Switzerland

Liechtenstein

Iceland

Norway

Other, please specify

***How were you informed on the applicable Key-ARS rules/entry requirements?**

By road signs

By road signs, but not in a language that I speak/understand

I found the information myself

I was not informed

Other, please specify

I do not know

Most Italian cities and municipalities have closed their city centres or town centres to tourist motor vehicle traffic or severely restricted access. These areas are designated as restricted traffic zones (Italian: Zona a traffico limitato / hereafter abbreviated ZTL). In many cases they affect the historic city centres (Italian: centro storico), which are to be largely spared from traffic in this way. In addition, the designation of these zones is often also prompted by reasons of environmental protection and air pollution control.

For unauthorised vehicles, there is either a general ban on driving in this zone or a ban limited to certain times of the day. Entry into this zone is usually only permitted for vehicles of residents of the zone, for suppliers of shops and for vehicles with a special permit issued by the respective city. In larger cities, access is usually monitored by video cameras that register all vehicles entering the ZTL. In smaller municipalities, access is controlled by the local police. Traffic restricted zones exist in almost all larger and very many smaller towns and municipalities. They are found, among others, in the major cities that are important for tourism.

Since almost every municipality has its own ZTL regulations, it is difficult to obtain comprehensive information in advance (e.g. on the internet) about the many different regulations. For the most part, only very general information is available on the internet, as every municipality in Italy has its own regulations, which can only be compiled and maintained with an effort that is no longer justifiable. Many municipalities (such as Florence or Rome) do have information on their websites, but mostly only in Italian and English. The ADAC provides general information about the rules in Italy here, among other sites: <https://www.adac.de/reise-freizeit/reiseplanung/reiseziele/italien/uebersicht/citymaut-umweltzonen/>

Experience has shown that our members are usually aware in advance when travelling to Italy that they must observe the special ZTL regulations on site. In practice, however, they orientate themselves and rely on the local signs in the cities concerned, which then often leads to problems.

***Were the boundaries of the Key-ARS clearly defined with road signs?**

Yes, but not in a language I speak or understand

Yes, in a language I speak or understand

No

Other, please specify

I do not know

In Italy, all access roads to a ZTL are marked with special traffic signs prohibiting motor vehicles from entering:



There is a general ban on the entry of unauthorised motor vehicles. This generally includes all vehicles belonging to persons who are not resident within this zone, e.g. also vehicles belonging to foreign tourists. In many cities, it is also expressly stated that access is monitored by a video control system (Italian: Accesso controllato da telecamere). Any exceptions to the general prohibition of entry are indicated by (often very numerous) additional signs. Exceptions (Italian: Eccetto) may apply, for example, to guests of hotels located in the ZTL, to disabled road users, to certain types of motor vehicles (e.g. mopeds and motorbikes), to the police or to motor vehicles with certain emission classes. Additional signs may also be used to impose time restrictions on access. The additional signs in particular vary greatly from one Italian city to another. Due to the often very unclear and confusing design, they are often not immediately comprehensible and understandable for motorists who are not familiar with the area, especially in stressful traffic situations in the city.



Example for additional signs: Arezzo



Example: Florenz

***Did you need to register your vehicle before your trip/journey, and if so, did you experience any difficulties with this registration (e.g. language barrier, payment method, ...)?**

There is no general prior registration or payment obligation before driving into Italian cities. However, in many Italian cities there are exceptions to the general ban on entry in the form of temporary access permits (Italian: permesso di accesso temporaneo). The exceptions relevant for foreign drivers are shown below:

Temporary access permits can also be granted, for example, to foreign tourists who have booked a hotel located within a ZTL. However, it is often not possible to apply for such authorisation oneself, but only through the hotel in question. In this case, visitors should already ask the hotel to register the vehicle registration number with the responsible city authority before arrival. This is done by electronically forwarding the owner's data, the vehicle registration number and the length of stay by the hotel concerned. The registration entitles tourists to drive on the ZTL on the day of arrival and departure. In most cases (e.g. in Florence or Pisa) it is also possible to register the vehicle number plate after arrival at the hotel. Guests should always ask the hotel to confirm the transfer in case of later problems (fines). The modalities of acquiring and validity of the permesso di accesso temporaneo usually vary from city to city. It is therefore advisable to find out in advance from the hotel you have booked about the regulations that apply locally.

In practice, there are unfortunately many cases where drivers do not inform the hotel of their arrival by car or where the hotel forgets to register the hotel guest's vehicle with the municipality for an exemption.

Upon presentation or transmission of the corresponding proof (e.g. severely disabled pass), Italian municipalities also grant access authorisation to mobility-impaired road users in individual cases.

Disabled drivers should also contact the relevant municipality before travelling (e.g. via the Internet). Often, an application can be made directly via the internet or contact details (e.g. fax number, telephone number, addresses) can be obtained which are important for the application. The application by telephone or fax is possible at many Italian municipalities. Examples:

In Florence, holders of a severely disabled pass can contact the free local telephone number 800 339891 and apply for an access permit to the ZTL.

In Pisa, disabled visitors can obtain a free access permit by calling the free local phone number 1800 086540. This is valid until the next working day after they have entered the ZTL.

The problem in practice here, however, is often the language barrier for German drivers: lacking Italian or English language skills, they are reluctant to make contact by phone. In addition, they are often not informed about these exemptions in advance.

***Have you ever been sanctioned/fined for violation of Key-ARS in a foreign European municipality (e.g. financial penalty)?**

Yes

No

Fines for unauthorised driving on a ZTL in Italy have been the top topic in the ADAC lawyers' advisory practice for years. Unauthorised driving on a ZTL is punishable by a fine. The legal basis for this is Article 7 of the Italian Road Traffic Act (Codice della Strada) in conjunction with the respective city ordinance. The fine in the first letter is initially at least 80 euros (plus any procedural fees of around 20 to 30 euros). This amount doubles if not paid within 60 days. If visitors enter a ZTL several times in one day without authorisation, the fine is due again for each violation.

***Did the penalty notice arrive in your native language/in a language you speak/understand?**

Yes

No

I do not know

Italian authorities serve penalty notices directly on persons residing in Germany or have them served via German authorities within the framework of mutual legal assistance. The notices addressed to persons residing in Germany are usually issued in German.

Very often, fines for unauthorised driving in a ZTL are collected from foreign drivers by private Italian or German collection service agencies (such as Nivi in Florence or ETI in Cologne). These letters are also usually written in German.

***Was it clear from the penalty notice what is the offence and what is the appeal procedure?**

Yes, both the offence and the appeal procedure were clear

The offence was clear, but the appeal procedure was not

The offence was not clear, but the appeal procedure was

No, the offence was unclear and the appeal procedure, too

Other, please specify

I do not know

As a rule, the notices are easy to understand. In individual cases, however, there are misunderstandings regarding the offence due to inaccurate translations.

Problematic with regard to the appeal procedure are the demands for payment sent by private collection service agencies: Here it is often not clearly explained when and where an appeal is to be filed.

***Could you kindly elaborate more on your personal experience with the penalty for a violation of Key-ARS in a foreign European municipality (e.g. process, evidence used, timeline, ...)?**

According to Italian law, the formal notice of a fine for persons residing abroad must be served within 360 days after the infringement has been established (date of unauthorised entry into the ZTL), otherwise the obligation to pay the fine expires (Art. 201 para. 1 sentence 4 and para. 5 Codice della Strada, CDS). In practice, it can be observed that penalty notices and demands for payment for unauthorised entry into the ZTL are often only sent many months after the violation - often even after the 360 days have expired.

However, according to the case law of Italian courts of justice of the peace, the decisive point in time for the commencement of the 360-day limitation period for service is the day on which the alleged infringement was committed.

Italian authorities and private collection service agencies are nevertheless often of the opinion that the time limit of Art. 201 para. 2 CdS only starts to run when the holder's details are known and not from the date of the offence. In addition, in some cases German motorists have not even received a penalty notice, but are immediately confronted with a reminder for non-payment of the fine.

If a penalty notice is issued for driving to or from a hotel located in the ZTL, there is a chance of success for an appeal if it is accompanied by proof of the stay at the hotel in question (e.g. hotel bill or confirmation from the hotel). In individual cases, it is also advisable to inform the hotel of the failure to report and register the vehicle registration number or to have the hotel issue a confirmation of the missing registration.

With regard to filing an appeal, there is an additional barrier in Italy: according to Italian law, the German motorist must also file his appeal exclusively in Italian.

***Do you consider the access of foreigners/non-residents to information on Key-ARS in the EU as satisfactory? If not, what is the problem?**

The example of Italy alone shows that the information about the many different regulations in the EU is not sufficient. The problem is that there are far too many regionally different regulations. A comprehensive presentation of all regulations in force in the EU (and their continuous updating) as an app or on a website that is easily accessible to the general public would be ideal, but it would require considerable manpower, financial resources and time.

***Do you consider the application of Key-ARS in the EU as an obstacle to free movement of persons and goods? If yes, please explain why**

In principle no

***Do you consider the application of Key-ARS in the EU as respecting equal treatment of resident and non-resident/foreign drivers? If not, what is the problem?**

The information, which in many cases is (linguistically) incomprehensible and difficult to access for non-resident or foreign drivers, can in our view lead to a disadvantage for non-resident and foreign drivers.

Thank you for finalising all the questions of this survey! If you have any feedback or remaining comments, please use the space below:

In general, it can be said that the assertion of public-law fine claims by private collection service agencies is a major problem: On the one hand, disproportionately high additional collection fees are charged, and on the other hand, there are often threats of legal consequences that do not actually exist (e.g. enforcement of the fines by the collection service agency in the motorist's country of residence). In Germany, claims for fines under public law are generally not recoverable through private collection agencies and possible civil court dunning proceedings.

I. SURVEY ON UVARS (Urban Vehicle Access Regulations)

-Limited Traffic Zones

The administrator of the public road together with the local public administration authorities, with the approval of the traffic police, will establish programs or time intervals when the traffic will be restricted for vehicles of particular weight/category or for entire traffic.

As an example, in Bucharest, the Old Center is a limited traffic area, being able to be accessible only for distribution on goods, in certain time intervals or by the vehicles of the public safety institutions.

-Areas/zones with restriction for vehicles of particular weight/category

In our legislation, at national level, there is the **Minister's Order no. 1249/2018** on the establishment of the traffic restrictions for road vehicles with a maximum total authorized mass higher than 7.5 tons on some sectors of motorways and European national roads, other than those intended exclusively for passenger transport, on Fridays, legal holiday and on public holidays.

As an example, for the A2 motorway, which connects Bucharest with Constanta, between April 1 and September 30, we have the following traffic restrictions for vehicles with a maximum total authorized mass of more than 7.5 tons:

- On the day before the first day of legal holiday, traffic is restricted in the time interval 16.00 – 22.00 PM
- On legal holiday, traffic is restricted in the time interval 06.00 – 22.00 PM
- On the days given free from the Government, traffic is restricted in the time interval 06.00 – 22.00 PM
- On Fridays and Saturdays, from Bucharest to Constanta traffic is restricted in the time interval 06.00 – 22.00 PM

In Bucharest there is a decision of the general council of the municipality of Bucharest regarding the traffic of vehicles intended for the transport of goods and equipment with a maximum total authorized mass more than 5 tons in Bucharest.

-Areas/zones with specific technical requirements for vehicles

All drivers have the obligations to equip vehicles with winter tires, chains or other approved anti-skid equipment when driving on roads covered with snow or ice.

-Access/delivery time windows

Article 63, para. 3 from OUG 195/2002 provides that:

- For motor vehicles transporting goods, other than those provided in para. 2, lib. b (local passenger transport), the administrator of the public road together with the local public administration authorities, with the approval of the traffic police, will establish programs or time intervals during the night, in which stopping or parking is allowed for the distribution of goods.

-Traffic bans

The administrator of the public road together with the local public administration authorities, with the approval of the traffic police can prohibit the traffic on certain streets for the execution of some public works, public events, etc.

-Pedestrian Zones

Every pedestrian zones exist by the decision of the administrator of the public road together with the local public administration authorities, with the approval of the traffic police and delimited with traffic sign, where the traffic of vehicles is prohibited.

Annex VII – Survey on driving disqualifications

In the first months of 2021, the Contractor (at the request of the Commission) carried out an additional research on the experiences with imposing driving disqualifications to non-domestic road users. This exercise provided further insights in the current practice, and might be helpful for the impact assessment support study concerning the revision of the Driving License Directive.

The survey was directed to public authorities. In total, responses were obtained from AT, BE, BU, CZ, DE, DK, EE, ES, FR, HU, IE, LU, RO, SE, SI, SK. These responses are presented in this Annex.

Collecting evidence - Survey driving disqualifications

Respondents

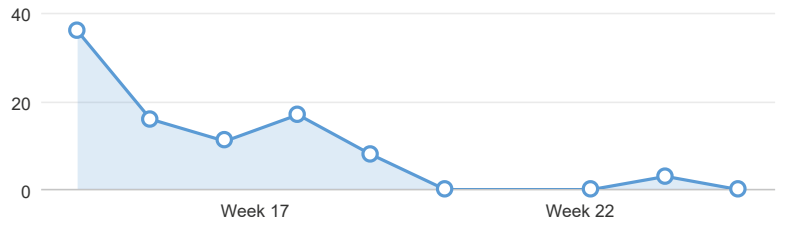


Reached end



22%

Response timeline



N 91

Identification question

Which country are you located in?

| | Count | % of responses | % |
|-------------|-------|----------------|-----|
| Denmark | 9 | | 10% |
| Belgium | 8 | | 9% |
| Ireland | 7 | | 8% |
| Germany | 6 | | 7% |
| Hungary | 6 | | 7% |
| Netherlands | 6 | | 7% |
| Czechia | 5 | | 5% |
| Finland | 5 | | 5% |
| Norway | 5 | | 5% |
| Austria | 4 | | 4% |
| Sweden | 4 | | 4% |
| Luxembourg | 3 | | 3% |
| Poland | 3 | | 3% |
| Spain | 3 | | 3% |
| Estonia | 2 | | 2% |
| France | 2 | | 2% |
| Malta | 2 | | 2% |
| Romania | 2 | | 2% |
| Slovenia | 2 | | 2% |
| Bulgaria | 1 | | 1% |






N 91

Which country are you located in? - Other, please specify

| Other, please specify | Report |
|-----------------------|-------------------|
| . | ↗ |

N 1

What type of organisation do you represent?

| | Count | % of responses | % |
|-------------------------|-------|---|-----|
| Ministries of Interior | 14 |  | 15% |
| Police authorities | 16 |  | 18% |
| Ministries of Transport | 30 |  | 33% |
| Transport authorities | 16 |  | 18% |
| Other, please specify | 15 |  | 16% |

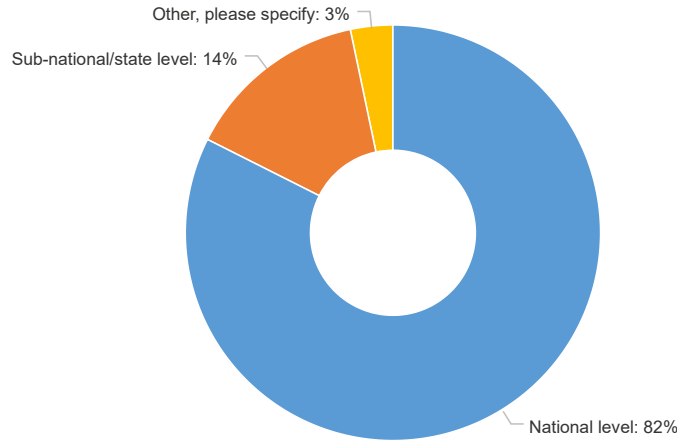
N 91

What type of organisation do you represent? - Other, please specify

| Other, please specify | Report |
|---|-------------------|
| Consumer body | ↗ |
| Ministry of Justice in consultation with the Ministry of Transport | ↗ |
| Directorate General of Traffic | ↗ |
| Ministry of Justice and Security | ↗ |
| Automobile club | ↗ |
| Ministry of Interior, Vehicle and Driving License International Affairs Unit responsible for the driving licence register and acting as the EUCARIS National Contact Point. | ↗ |
| test | ↗ |
| Ministry of Justice and Security | ↗ |
| Deutsche Polizeigewerkschaft | ↗ |
| Professional association | ↗ |
| Police union | ↗ |
| Firme | ↗ |
| NGO | ↗ |
| Ministry of Justice | ↗ |
| Directorate General of Traffic, Ministry of Interior | ↗ |

N 15

Does your organisation have responsibilities for the entire country or sub-national/state-level responsibilities?



N 91

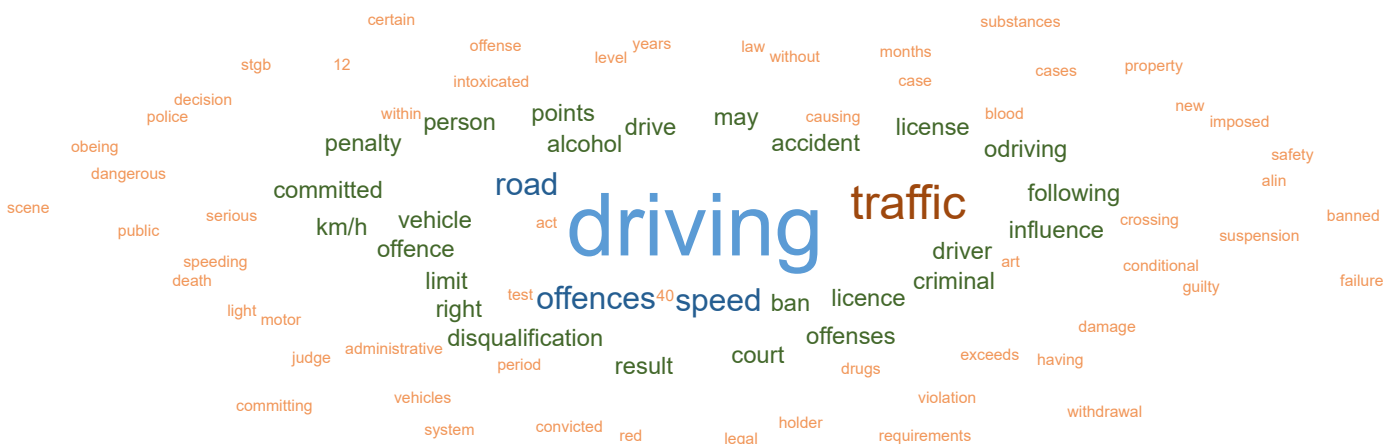
Does your organisation have responsibilities for the entire country or sub-national/state-level responsibilities? - Other, please specify

| Other, please specify | Report |
|---------------------------|------------------------|
| No | Report |
| test | Report |
| We work on European level | Report |

N 3

Questions on driving disqualifications











What road traffic offenses directly result in a disqualification of the offender's right to drive in your country?























N 34

What road traffic offenses directly result in a disqualification of the offender's right to drive in your country?

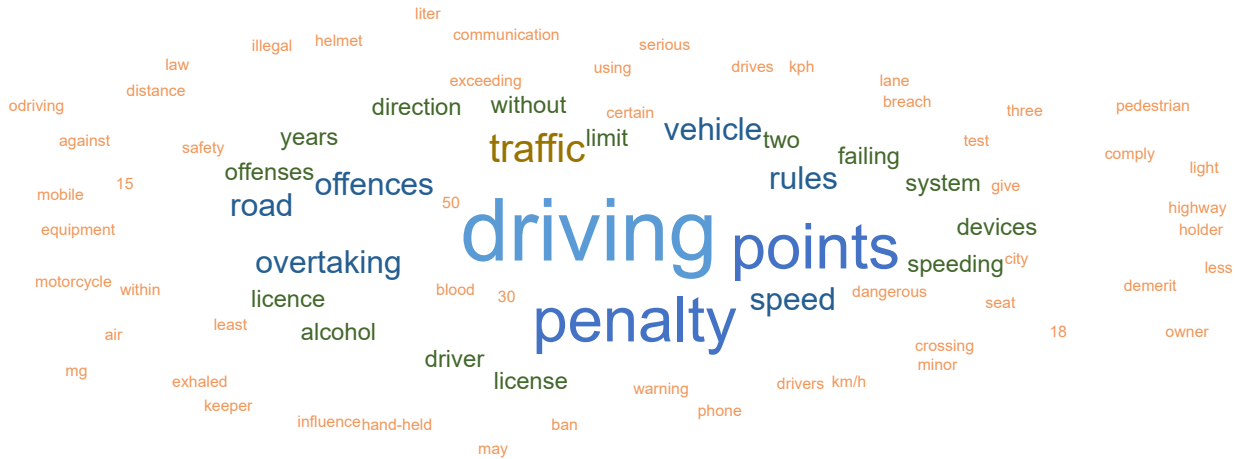
| What road traffic offenses directly result in a disqualification of the offender's right to drive in your country? | Report |
|--|--------|
|--|--------|

| What road traffic offenses directly result in a disqualification of the offender's right to drive in your country? | Report |
|---|---|
| <p>A driver's right to drive can be conditionally suspended if the following offenses have been committed: oHaving breached essential road safety considerations and thereby caused injury or danger to persons or property oBeing guilty of not providing help to a person that is injured in a traffic accident oDriving at a speed of 160 km/h or more, exceeds the speed limit by more than 60 %, or exceeds the speed limit by more than 40 % when traffic signs are set up in connection with road work oDriving in a vehicle where the speed limit is restricted (bus, HGV etc.) at a speed that exceeds the speed limit by more than 60 % when the speed limit is 30 km/h, or exceeds the speed limit by more than 40 % when the speed limit is more than 30 km/h oDriving with a BAL of 0,5 or a BAL up to 1,2 oDriving with more than 0,003 mg but not exceeding 0,009 THC per kilo blood. oDriving a large moped which has been constructively modified for the purpose of increasing speed, or is in such an illegal condition that it can drive 64 km/h or more olf conditional suspension is found to be justified by the nature of the offense committed The right to drive will also be conditionally suspended if the driver has been guilty of three offenses that are mentioned under the question regarding demerit/penalty points. Please see the answer related to this question. A driver's right to drive can be unconditionally suspended if the following offenses have been committed: oDriving with a BAL higher than 1,2 oDriving under the influence of drugs or having more than 0,009 mg THC per kilo blood oDriving illegally in a vehicle without a speed limiter or in a vehicle where the speed limiter has been illegally tampered with olntentionally having caused damage to someone else's person or thing, has intentionally caused imminent danger to it or otherwise has driven a vehicle in a particularly reckless manner oBeing guilty of having fled a traffic accident where someone has suffered significant personal injury or fails to help someone who is in apparent danger of losing their life oBeing guilty of several offenses that separately will result in conditional suspension of the right to drive or has committed new offenses in the probation period oCommitted new offenses, which would result in conditional suspension of the right to drive within 3 years after being banned from driving oCommitted new offenses, which would result in conditional suspension of the right to drive within 5 years after the probation period of having the right to drive suspended oDriving at a speed of 200 km/h or more oDriving at a speed of more than 100 km/h that exceeds the speed limit or exceeds the speed limit by more than a 100 % oBeing guilty of offenses of illegal drag racing oBeing guilty of offenses of harassment driving that hinders the police's pursuit of the vehicle A driver's right to drive can be banned if traffic offenses have been committed within 3 years after obtaining the first driving licence, which would result in conditional suspension</p> |  |
| <p>•Overtaking the stopped column at the traffic light or at the railway crossing; •Not giving priority to pedestrians; •Not giving priority to vehicles; •Non-compliance with the meaning of the red color of the traffic light; •Non-compliance with the signals or the indications of the traffic policeman; •Failure to report to police units in case of accidents with material damage; •Use of the phone while driving plus other traffic rules; •Irregular overtaking and the occurrence of a road accident; •Non-compliance with the meaning of the red color of the traffic light and the occurrence of a road accident; •Non-compliance with the temporary ban on driving; •Overtaking of the official column; •Driving in the opposite direction; •Driving under influence of alcohol; •Driving vehicles with dangerous deficiencies in the steering system or in the braking system (finding made together with RAR); •Not stopping at the level crossing, without barriers, signposted •Exceeding the legal speed allowed by more than 50 km/h; •Possession, installation an duse of special means of audible and light warning on vehicles; All these driving disqualifications are sanctioned by the OUG(government emergency ordinance) 195/2002. Article 114 from OUG 195/2002 provides that: 1) The cancellation of the driving license is ordered in the following cases: a)The holder of the driving license has been convicted by a final court decision for an offense that resulted in the killing or bodily injury of a person, committed as a result of non-compliance with traffic rules; b)The holder of the driving license was convicted, by a final court decision, for the offenses provided in art. 334 alin. 2 si 4, art. 335 alin. 2, art. 336, art. 337, art. 338 alin.1, art. 339 alin. 2, 3, si 4 of the Criminal Code; c)The holder of the driving license was applied by a final court decision, the complementary punishment of the prohibition of the right to drive certain categories of vehicles established by the court provided in art. 66 alin. 1 lit. i) of the Criminal Code: d)The driving license was obtained in violation of the legal norms, a situation found by the competent court e)The driving license was obtained during the period when the holder was investigated or tried in a criminal trial for committing an offense of traffic on public roads, when he was convicted by a final court decision. 2) The driving license shall also be canceled if its holder has died.</p> |  |
| <p>Administrative retention : => Driving with a BAC (Blood Alcohol Concentration) of ≥0.8 g/l in blood sample or drunk and disorderly/Failing to cooperate with a breath test => Driving under influence of drugs/Failing to cooperate with preliminary test => Causing death by dangerous driving => Using mobile phone while driving, and another offence (see below) => Speeding by over 40 kph Criminal cancellation (annulation judiciaire) =>Driving under influence of drugs/ Failing to cooperate with a preliminary test (re-offending) =>Drink driving (re-offending)/Failing to cooperate with a breath test => Causing death by dangerous driving</p> |  |
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| <p>.</p> |  |
| <p>Portugal: In the Portuguese legal system, there are no road traffic offenses that directly disable the driver permanently. The Portuguese system is based on a driving license for points, for a total of 12 or 15 points, depending on the road register of each driver. Each offense reduces a certain number of points. When a certain limit is reached, the driver is bound by a set of requirements that can range from training actions to the repetition of the driving exam. Denmark: Driving when the amount of alcohol in the blood exceeds 0.12%, Driving with more than 0,009 mg THC pr. Kg blood, Under aggravating circumstances driving, when not fully capable to do so because of illness, weakening, overexertion, lack of sleep, under the influence of uplifting or anesthetic medicine or drugs, Driving without an obligatory speed limiter, or with a speed limiter that has been tampered with Intentional harm to a person or thing, causing imminent danger for this, or reckless driving, Hit and run, More than one specified serious offense at the same time, Breaking a conditional disqualification, Committing serious offense less than 5 years after the end of a disqualification, Going faster than 200 kph, Going faster than 100 kph and breaking the speed limit with more than 100%, Race on public roads, Harassing driving that prevents police from pursuing other vehicles. Norway: Speeding Drunk driving Other traffic safety offences such as hazardous overtaking, failure to give way, rear-end collisions, crossing lanes. It must be a breach of the Road Traffic Act. However note that lack of medical requirements, driving skills and sobriety may also lead to a driving ban.</p> |  |
| <p>CZ: Within the framework of criminal law, there are several criminal offences in Criminal Code of the Czech Republic (Act. No. 40/2000 Coll.), which can lead to disqualification consisting of the offender's right to drive, if such criminal offences were committed in connection or as a result of driving. We would especially mention the Criminal Offence under Sec. 274 of the Criminal Code: 'Threat under the Influence of Addictive Substances'. Section 274 Threat under the Influence of Addictive Substances (1) A person who performs employment or another activity which could endanger human life or health, or cause substantial damage to property in an incapacitated state that they inflicted by the influence of addictive substances, shall be punished by a prison sentence of up to one year, a monetary penalty, or punishment by disqualification. (2) An offender shall be punished by a prison sentence of six months to three years, a monetary penalty, or punishment by disqualification, if, a) they caused an accident, traffic or other accidents, bodily harm to another person, or larger damage to a stranger's property or other serious consequences by committing an act referred to in Subsection 1 , b) they committed such an act during the course of employment or other activities during which the effects of the addictive substances are particularly dangerous, especially if they operate a means of public transport, or c) they were convicted for such an act over the last two years or released from serving a prison sentence imposed for such an act. Within the framework of administrative law, especially the Road Traffic Act No. 361/2000 Coll., applies. The most serious (administrative) road traffic offences according to such Act are awarded with 7 penalty points out of total number of 12 penalty points. If the driver accumulated 12 penalty points within a year, this directly results in a disqualification of the offender's right to drive. If the driver commits more road traffic offences at once, the penalty points for only the most serious road traffic offences are noted in the register of the penalty points. The penalty are deleted after 12 months.</p> |  |
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| What road traffic offenses directly result in a disqualification of the offender's right to drive in your country? | Report |
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| <p>A crime-based driving ban may be imposed on a person based on the following grounds: repeated traffic violations, operation of a vehicle without a licence, causing a traffic hazard in a manner indicating gross negligence, causing a serious traffic hazard, driving while intoxicated, driving while seriously intoxicated, offence involving the transport of hazardous materials, or driving while intoxicated abroad. Mitigating circumstances may be taken into consideration, yet a driving ban can be waived only in exceptional cases. In certain cases, the police may issue a warning instead of a driving ban. A driver banned from driving due to driving while intoxicated or seriously intoxicated, may request for an alcohol interlock-controlled right to drive.</p> |  |
| <p>A driving ban is pronounced by the judge. The Belgian Road Traffic Law of 16 March 1968 provides a list of offences for which a driving ban may be pronounced and a list for which the judge must pronounce this sanction. The absolute minimum duration of this withdrawal is 8 days. - optional driving ban : e.g. for minor offences of alcohol, drugs, speeding; - obliged driving ban: e.g. in case of legal recidivism (committing a new offence from the following list within three years after having already been convicted by a judge: DUI of alcohol/ drugs, driving without a valid driving license, hit-and-run traffic offence, excessive speeding, using a radar detector, offences of the 4th degree (e.g. reversing on the motorway, inciting to excessive speed), driving without insurance). It does not have to be the same type of offence the 2nd time. Also in case of "physical or mental unfitness to drive" (e.g. alcohol addiction), the judge is obliged to pronounce a driving ban. The duration of this specific type of driving ban is 6 months, after which the person concerned may request a review by the court. In addition, there are a number of cases where the driving license CAN immediately be withdrawn for fifteen days on the order of the public prosecutor (this period can be extended by the judge).</p> |  |
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| <p>Only criminal road traffic offenses directly result in a driving disqualification. The administrative road traffic offenses in the demerit point system can precede a driving disqualification when all the points are lost as a result of the commission of several offenses.</p> |  |
| <p>Offenders who have committed the violation of the rules of licensed driving may be banned from driving.</p> |  |
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| <p>If a road traffic offence results in an offence or a criminal offence, the offender may lose his driving licence, usually for a limited period, depending on the decision of the offence authority or the court.</p> |  |
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| <p>Germany makes a legal distinction between a 'driving ban' and a 'driving disqualification': In the case of a driving ban, the driving licence is returned to the person concerned after a period of 1-3 months for administrative offences or 1-6 months for criminal offences. In the case of driving disqualifications for criminal offences, the driving licence is withdrawn for a period of at least 6 months, a blocking period is imposed during which the administrative authority may not issue a new driving licence and the driving licence must be re-applied for after the blocking period has expired. Driving bans for administrative offences are imposed e.g. for serious speeding or distance or red light violations (see overview at https://www.adac.de/-/media/adac/pdf/jze/kosten-verkehrsverstoesse.pdf?la=de-de). Driving bans or disqualifications are imposed for criminal offences, in particular for endangering road traffic (§315c StGB), illegal motor vehicle racing (§315d StGB), drunk driving (§316 StGB), unauthorised departure from the scene of an accident (§142 StGB) and driving while intoxicated (§323a StGB).</p> |  |
| <p>Automatic disqualification for fixed periods for intoxicated driving. Other automatic disqualifications for periods at the Court's discretion following conviction for - careless or dangerous driving causing death or bodily harm, careless driving (except in a case of a first offence of careless driving, where the court can waive disqualification if satisfied that there is a special reason); driving without insurance (except in a case of a first offence where the court can waive disqualification if satisfied that there is a special reason); leaving the scene of an accident involving injury to persons or damage to property, where the driver leaving the scene was responsible for the accident.</p> |  |
| <p>Driving under influence of drugs and alcohol, not using seat belts, driving and calling on the phone, withdrawal of advantage, ignoring sign 'Stop' and red color of traffic lights etc</p> |  |
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| <p>According to the Swedish Driving License Law (Körkortslag) the following traffic related offences will result in a disqualification (revoked or declared invalid) of the offender's right to drive in Sweden. •Gross negligence in traffic offences •Gross drink driving offences (BAC levels of 1,0 ‰ or more) •Drink driving offences with (BAC levels between 0,2 – 0,99 ‰) •Violations of safety at the subway and tramway •Violations of the Swedish Railways law •Leaving the scene of traffic accident offences •Violations of essential road safety regulations Note. A drink driving offender can apply to get a conditional driving license (alcohol interlock condition) instead of having the license disqualified.</p> |  |
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| <p>I don't have any opinion.</p> |  |
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| What road traffic offenses directly result in a disqualification of the offender's right to drive in your country? | Report |
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| <p>1) Violation of traffic requirements committed in intoxicated state and thereby causing major damage to the health of a person or the death of a person. 2) Driving repeatedly a vehicle in state of intoxication. The court or an extra-judicial body may impose as a supplementary penalty the withdrawal of the right to drive vehicles in the following cases: 1) Driving onto intersection or pedestrian crossing by driver when traffic light signals prohibit it 2) Failure by driver of motor vehicle or tram to give way to pedestrian on unregulated pedestrian crossing 3) Causing damage to property or through negligence to health by driver of motor vehicle 4) Driving motor vehicle, off-road vehicle or tram when exceeding maximum permitted level of alcohol in the bloodstream 5) Consumption of alcohol, narcotic or psychotropic substances following traffic accident by driver involved in traffic accident 6) Exceeding speed limit by driver of motor vehicle over 20 km / h 7) Violation of requirements for overtaking 8) Driving on side opposite to that appropriate to direction of traffic 9) Ignoring stop signal for vehicle 10) Ignoring stop signal for off-road vehicle 11) Failure to report traffic accident 12) Leaving scene of traffic accident or failure to provide assistance to people who need assistance due to traffic accident 13) Other violation of traffic requirements by driver of motor vehicle, where it causes a traffic hazard</p> |  |
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| <p>The members of the Grand-Ducal police will immediately withdraw the driving licence of drivers who have committed one of the following offences - driving a motor vehicle on the public highway with an alcohol level of at least 0.55 mg of alcohol per litre of exhaled air or 1.2 g of alcohol per litre of blood (i.e. 1.2 'Promill') or - if it has not been possible to determine a blood alcohol level - driving with obvious signs of drunkenness ; - refusal of tests to detect the presence and determination of alcohol, drugs or medicinal substances; - speeding by more than 50 % of the statutory maximum speed limit, where the speed recorded is at least 40 km/h above this minimum (e.g. speeding at least 90 km/h inside a built-up area); The withdrawal of the driving licence is equivalent to a driving ban. It can only be maintained if within eight days of the withdrawal - not including Saturdays, Sundays and public holidays - a provisional driving ban is issued by the investigating judge. The order of the examining magistrate is notified to the defendant either by the police or by post.</p> |  |
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| <p>See link! https://www.oesterreich.gv.at/themen/dokumente_und_recht/fuehrerschein/7/Seite.041020.html</p> |  |
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| <p>Driving under the influence of alcohol or drugs. Endangering road safety. Causing a road traffic accident, which results in permanent disability, death, death of more than two people or a fatal mass accident.</p> |  |
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What road traffic offenses are subject to the deduction of demerit/penalty points which precede a driving disqualification?

























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What road traffic offenses are subject to the deduction of demerit/penalty points which precede a driving disqualification?

| What road traffic offenses are subject to the deduction of demerit/penalty points which precede a driving disqualification? | Report |
|--|------------------------|
| <p>oDriving towards a red-light signal, driving against the direction of traffic, exceeding blocking lines or exceeding an unbroken border in connection with illegal driving in emergency lanes oInfringement of the rules on driving over railway tracks oDriving with too short of a distance to the vehicle in front oDriving to the left of a traffic island oChange of traffic direction and position, etc. which is of danger or inconvenience to others oInfringement of the rules on overtaking oIncreasing the speed when overtaking oViolation of the prohibition against overtaking oInfringement of the rules on lane changes oOvertaking at a pedestrian crossing oViolation of the duty to give way or the duty to give way stipulated by traffic signs or other markings oOffenses of illegal drag racing oExceeding the speed limit by more than 30% oCarriage of children on a motorcycle and tricycle without a seat belt in the passenger seat oFailure to use safety equipment for passengers under 15 years of age oDriving under the influence of THC with a level between 0,0011 – 0,003 mg THC per kilo blood oUse of hand-held telecommunications equipment and other hand-held communication devices while driving The right to drive will be conditionally suspended if the driver has been guilty of three of the abovementioned offenses. Each offense is valid for three years in this context. If the offenses have been committed within three years after obtaining the a driving licence for the first time, the driver must only commit two of the abovementioned offenses for it to result in a driving disqualification.</p> | Report |
| No information | Report |
| <p>=> Causing death by dangerous driving (6 penalty points) ; => Causing serious injury by careless driving (6 penalty points) ; => Driving with a BAC of ≥0.8 g/l in blood sample/Failing to cooperate with a breath test (6 penalty points) ; => Driving under influence of drugs/Failing to cooperate with preliminary test (6 penalty points) ; => Driving whilst disqualified (6 penalty points) ; => Hit and run (6 penalty points) ; => Speeding by over 50 kph (6 penalty points) ; => Driving with false number plates (6 penalty points) ; => Perturbing or obstructing traffic (6 penalty points) ; => Use of illegal speed cameras detector (6 penalty points) ; => Failing to give way (4 penalty points) ; => Failing to stop before a red light or a stop sign (4 penalty points) ; => Driving in a no through road (4 penalty points) ; => Making U-turn/Reversing on a motorway(4 penalty points) ; => Driving at night/In dark surroundings with lights off (4 penalty points) ; => Failing to give way when entering a highway (4 penalty points) ; => Breaking speed limit by between 40 and 50 kph (4 penalty points) ; => Driving with TV monitor in field of vision (3 penalty points) ; => Using a mobile phone while driving (3 penalty points) ; => Driving without respecting driving licence requirements and restrictions (3 penalty points) ; => Not respecting safety distances (3 penalty points) ; => Dangerous overtaking (3 penalty points) ; => Driving on the left lane when not on a dual carriageway (3 penalty points) ; => Dangerous or inconsiderate stopping/parking (3 penalty points) ; => Stopping/parking at night or in dark surroundings without lighting (3 penalty points) ; => Turning suddenly without prior warning (3 penalty points) ; => Driving on hard shoulder (3 penalty points) ; => Crossing a white line (3 penalty points) ; => Not wearing a helmet on a PTW (Powered two-wheeler) (3 penalty points) ; => Not using seat belt (3 penalty points) ; => Speed between 30 and 40 kph over the speed limit (3 penalty points) ; => Speeding between 20 and 30 kph over the speed limit (2 penalty points) ; => Accelerating while being overtaken (2 penalty points) ; => Speeding by less than 20 kph when the speed limit is Driving on a white line (1 penalty point).</p> | Report |
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| What road traffic offenses are subject to the deduction of demerit/penalty points which precede a driving disqualification? | Report |
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| <p>Portugal: The traffic offenses that can lead to the loss of points and the consequent repetition of the driving test are all those considered serious or very serious by the Portuguese c Code. They range from speeding, driving with alcohol and under the influence of drugs, lack of use of seat belts, driving to talk on a cell phone or handling any electronic equipment, parking on crosswalks or in places for the disabled. The range of offenses is very large. Denmark: Exceeds the speed limit by more than 30 percent Drives with too short a distance to the front Driving illegally in the emergency lane Do not fasten children under the age of 15 to the car Does not ensure that passengers aged 8-15 wear a crash helmet on a motorcycle Running at a red light Violates the rules on the duty to give way Violates the rules of overtaking and prohibition of overtaking Exceeds barrier lines when overtaking Increases speed when overtaking Overtakes at pedestrian crossing Driving in the wrong direction of traffic Drives unsafe slalom and overtaking in heavy traffic Changes the direction and placement to the danger or unnecessary inconvenience to others Drives left on road island Racing on the road Drives over railway tracks if a stop signal is given Use of handheld telecommunications equipment and communication devices such as handheld mobile phone, GPS, iPad and Smartwatch Drives with a low concentration of THC - the active substance in cannabis and marijuana - in the blood (0.001 - 0.003 mg / kg) Norway: Speeding, driving in violation with traffic light signal, illegal overtaking, driving with too small distance to the oncoming vehicle, driving with a trimmed motorcycle, failure to secure passengers under the age of 15 (e.g. child seat), driving without protective equipment (e.g. helmet on motorbike and belt in a car), use of mobile phone while driving, use of radio, CD while driving, burnout or other reckless driving, falling asleep while driving, reduced visibility.</p> | ✍ |
| <p>CZ: In the Czech Republic, the driver accumulates penalty points for committing certain types of road traffic offences (both administrative and criminal). There are cca 26 categories road traffic offenses and/or criminal offences which can lead to deduction of demerit points. For example: 7 penalty points for: Drunk-driving Refusal to undergo alcohol-test or test for other addictive substance Entering the train-crossing where such crossing is forbidden Bad direction, backward(reversing) driving in the Highway Committing a road-accident with killing or serious bodily harm Driving without driving license (after the driving ban) Dangerous overtaking (when forbidden) Refusal to stop after/departure from accident 5 penalty points for: Red-driving/refusal to stop at "STOP" signal Dangerous overtaking/jeopardy of other driver by overtaking Driving a car in bad technical condition Speeding (40km/h in city and 50 km/h outside the city) 4 penalty points for: Threat of the pedestrian at the crosswalk No car seat for children 3 points for: Speeding (20km/h in city and 30 km/h outside the city) No safety belts Refusal to stop at the crosswalk 2 points: Speeding (more than 5 km/h in city and 10 km/h outside the city) Distraction (using a phone/gps navigation/camera/smart watches)</p> | ✍ |
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| <p>There is no penalty point system in place in Finland, but a certain number of traffic violations within a certain period leads to a driving ban procedure. However, offences considered particularly serious will immediately lead to a driving ban (see answers to the question above). A driving disqualification may be imposed if the driver has committed a traffic violation at least three times within a year or at least four times within two years. Traffic offenses are of equal value, but the severity of the acts affects the length of the driving ban. New drivers (licence B for cars and licence A for motorcycles) are subject to stricter monitoring than other drivers - this two-year period begins when they first obtain a driving licence. If a licence holder who has held a car licence for less than two years, commits at least two traffic offenses within a year or at least three traffic offenses within two years, he may be subject to a driving disqualification. The same applies to a holder of a motorcycle licence who does not hold a car licence, and the two-year period begins when a motorcycle licence is obtained.</p> | ✍ |
| <p>In Belgium, we don't have a penalty point system. The current federal government is currently considering whether such a system would be appropriate for Belgium.</p> | ✍ |
| | ✍ |
| <p>List of traffic offences 1. Driving with a blood alcohol concentration exceeding the legal limits: -Values in exhaled air (mg/l): over 0.50 (over 0.30 for professional drivers and holders of driving licences for less than two years). - Values in exhaled air (mg/l): over 0.25 up to 0.50 (over 0.15 up to 0.30 for professional drivers and holders of driving licences for less than two years). 2. Driving with presence of drugs in one's body 3. Failing to comply with the obligation to submit to alcohol or drugs tests 4. Reckless driving, driving in the wrong direction of travel or taking part in non-authorized races or competitions 5. Driving vehicles with radar inhibitor devices or speed measurement devices or any other device intended to interfere with the proper functioning of traffic monitoring systems 6. Exceeding driving times by more than 50% and reducing rest periods by more than 50% as laid down in land transport regulations 7. Taking part or providing the necessary cooperation to install or operate elements which alter the normal functioning of the tachograph or speed limiter use 8. Driving a vehicle without the appropriate driving licence or permit 9. Throwing out of the vehicle objects which might cause fires, road traffic accidents or hinder the free flow of traffic 10. Failing to comply with the legal provisions on right of way and with the obligation to stop at a stop and give-way traffic signs and at red traffic lights 11. Failing to comply with the legal provisions on overtaking jeopardising or hindering those vehicles travelling in the opposite direction and overtaking in poor visibility places and circumstances 12. Overtaking jeopardising or hindering cyclists 13. Making U-turns without observing the rules contained in this Law 14. Reversing on dual-carriageways and motorways 15. Failing to comply with the signals made by Traffic police officers 16. Failing to maintain a safe distance from the vehicle in front 17. Wearing headphones, earphones or any other device that may decrease the driver's attention or using a hand-held mobile phone, navigators or any other communication system while driving. The devices included in this section could be specified in regulations as technology develops 18. Failing to wear seatbelts, child restraint systems, helmets and any other protection systems 19. Driving a vehicle after having been disqualified from driving or having been prohibited from using the driven vehicle 20. Using radar detection devices or speed measurement devices while driving See annex IV Speeding offenses</p> | ✍ |
| <p>The driving license can be lost by 18 points in case of contraventions and administrative offences. Contraventions covered by the point system.Neglect of giving assistance , Road endangerment ,Causing a road accident ,Vehicle driving while be intoxicated , Vehicle driving while be dazed ,Prohibited transfer of vehicle driving ,Betrayal, Violation of rules of the priority and overtaking , Disturbing of rules of the road, Disturbing of rules of the road, in case of minor bodily injury harm etc.</p> | ✍ |
| | ✍ |
| <p>In Hungary, the law or legislation determines which traffic offences, which offences and which traffic offences are punishable by a penalty point. These are numerous, so it is not possible to list them here.</p> | ✍ |
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| <p>These are set out in Annex 14 to the Fahrerlaubnisverordnung (Driving Licence Ordinance) (https://www.gesetze-im-internet.de/fev_2010/anlage_13.html).</p> | ✍ |
| <p>Click on this link here for a complete list of driving offences which attract penalty points https://www.rsa.ie/Documents/Licensed Drivers/RSA Penalty Points Offences 2019.pdf</p> | ✍ |

| What road traffic offenses are subject to the deduction of demerit/penalty points which precede a driving disqualification? | Report |
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| Withdrawal of penalty points or court decision |  |
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| There are no deduction of demerit or penalty points in the Swedish system. But in certain situations, the Swedish Transport Agency can issue a warning to a license holder. •Drink driving offences with a BAC level below 0,2 % •Offences against the rules in the rules in traffic or rules in the interest of road safety that aren't essential (minor offences) •In cases where the driving license normally would have been disqualified. A warning is issued in some cases. It can be due to factors such as that a long time has passed since the offence or if there are other special reasons that motivates only a warning. Note. A license holder can only receive 1 warning during a period of 2 years. If a second warning is issued the licence is revoked. |  |
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| I don't have any opinion. |  |
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| Estonia doesn't use a demerit point system. |  |
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| Art. 2bis. Highway Code of Luxembourg : Paragraphe 2 - manslaughter in relation to one or more offenses under this Act or the regulations made in its execution - committing, as driver, owner, keeper or guardian of a vehicle, one of the offenses provided for in Article 12 - exceeding the statutory speed limit, which is considered an offense under Article 11a - unintentional assault and battery in relation to one or more offenses against this law or the regulatory provisions adopted in its execution - driving a vehicle without holding a valid driving license for the category of vehicle in question or in one of the situations referred to in the first paragraph of Article 13, point 12, - tolerating, as owner or keeper, the putting into circulation of a vehicle by a person who does not hold a valid driving license - the putting into circulation or tolerating, as owner or keeper, the putting into circulation of a motor vehicle or trailer, without the civil liability to which this vehicle may give rise being covered - hit and run - exceeding the statutory speed limit by more than 50% of the statutory maximum authorized speed, the speed recorded being at least 40 km/h above this maximum - driving or tolerating, as owner, keeper or guardian, the driving of a vehicle by a person who has consumed alcoholic beverages in such a quantity that the alcohol content is at least 0.8 g of alcohol per liter of blood or 0.35 mg of alcohol per liter of exhaled air without reaching 1.2 g of alcohol per liter of blood or 0.55 mg of alcohol per liter of exhaled air respectively. |  |
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| See link https://www.oesterreich.gv.at/themen/dokumente_und_recht/fuehrerschein/7/1/Seite.041010.html |  |
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| In Hungary the system works the other way around. Penalty points are collected (and not deducted) in case of certain offences, which means that the driver starts from 0 point and the DL is withdrawn at 18 points. Minor offences: - driving while suspended - dangerous overtaking - breach of the road traffic order with or without resulting in minor injury - minor breach of certain road traffic rules E.g. concerning turning, stopping, not respecting the pedestrian crossing, not respecting of the 'keep right' rule, hand-held mobile communication device, non-use of a child restraint system / a safety helmet for motorcyclists Administrative offences: - speeding - breach of the level-crossing rules - Driving under the influence of alcohol - unjustified use of the emergency lane on the highway (the use of a forbidden lane) - failing to stop at a red traffic light - failing to use a seat-belt - breach of the rules on the mandatory driving direction, - breach of the access rules |  |
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| What are the types of driving disqualification applied in your country (e.g. restriction, suspension, withdrawal or cancellation of the right to drive)? | Report |
|---|---|
| The above cases concern a withdrawal of the driving license by the public prosecutor and a driving ban pronounced by the judge. In addition, the possibility of suspension of the right to drive was very recently introduced into the law, but an implementing royal decree is still required to have it implemented. This suspension of the right to drive will be possible if a person has repeatedly failed to pay his traffic fine or to contest it in a valid manner; it is a last resort when the tax authorities have also failed to collect the fine through taxation. |  |
| |  |
| En España existen las siguientes retiradas del permiso: -En vía penal, la suspensión temporal cuando la condena de privación del permiso es igual o inferior a 2 años, y deriva en una privación temporal del derecho a conducir. Cuando la condena de privación del derecho a conducir es por más de 2 años y así específicamente lo señala el juez, la pena comportará también la pérdida de vigencia del permiso de conducción y al término de la condena el interesado deberá obtener nuevo permiso. Existe además la retención del permiso de conducción como medida cautelar mientras se sustancia la causa penal. -En vía administrativa, se aplica la suspensión cautelar/provisional del derecho a conducir cuando se inicia un procedimiento por pérdida de las condiciones psicofísicas necesarias para conducir, que puede resultar en una pérdida de vigencia del permiso de conducción cuando se constata definitivamente la pérdida de las condiciones psicofísicas necesarias para conducir. Para volver a conducir el interesado deberá acreditar que vuelve a cumplir esas condiciones. Por otro lado, se aplica la pérdida de vigencia del permiso cuando el conductor ha perdido todos los puntos en aplicación del permiso por puntos. A partir de la declaración de pérdida de vigencia el conductor carece de permiso de conducción y debe obtener uno nuevo, una vez hayan transcurrido 6 meses (o 3 meses en el caso de conductores profesionales) |  |
| We can apply only prohibit from driving. |  |
| |  |
| A driving disqualification may also apply to a specific type (air, rail, water or road) and category of vehicle. The driving disqualification may be of limited duration or permanent. In the case of reasonable suspicion of certain road traffic offences (e.g. causing a fatal road traffic accident), the driving licence must be withdrawn on the spot. In such cases, the right to drive is suspended until the criminal proceedings are completed. If a certain number of points are reached, the driving licence will be withdrawn. |  |
| |  |
| |  |
| |  |
| Germany makes a legal distinction between a 'driving ban' and a 'driving disqualification': In the case of a driving ban, the driving licence is returned to the person concerned after a period of 1-3 months for administrative offences or 1-6 months for criminal offences. In the case of driving disqualifications for criminal offences, the driving licence is withdrawn for a period of at least 6 months, a blocking period is imposed during which the administrative authority may not issue a new driving licence and the driving licence must be re-applied for after the blocking period has expired. Driving bans for administrative offences are imposed e.g. for serious speeding or distance or red light violations (see overview at https://www.adac.de/-/media/adac/pdf/jze/kosten-verkehrsverstoesse.pdf?la=de-de). Driving bans or disqualifications are imposed for criminal offences, in particular for endangering road traffic (§315c StGB), illegal motor vehicle racing (§315d StGB), drunk driving (§316 StGB), unauthorised departure from the scene of an accident (§142 StGB) and driving while intoxicated (§323a StGB). |  |
| Full licence holder - once 12 penalty points have been accumulated over a 3 year period, the driver is disqualified from driving for a period of 6 months. Novice/learner driver - once 7 penalty points have been accumulated over a 3 year period, the driver is disqualified from driving for a period of 6 months Court-imposed disqualifications also ban people from driving. We do not have a system of restrictions on driving as a penalty. |  |
| If has a court decision concerning a crime act |  |
| |  |
| Villkor- conditional driving licenses (licenses with restriction). Ogiltigförklaring av körkort - Voluntary Invalidation of Swedish driving licenses or invalidation (cancellation) of right to drive in Sweden for foreign driving licenses Återkallelse - Withdrawal (revoking of licenses) or temporary suspension to drive during a suspension period. Återkallelse tills vidare -Withdrawal or suspension until further notice (Issued when a final decision has not been made) |  |
| |  |
| |  |
| I don't have any opinion. |  |
| |  |
| There are suspension, withdrawal and revocation of right to drive in Estonia. Suspension of the right to drive motor vehicles means that a person is temporarily prohibited to drive motor vehicles. A person's right to drive motor vehicles is suspended where: 1) the term of validity of their driving licence has expired; 2) the due date for passing the next medical examination of the motor vehicle driver has arrived. Withdrawal of the right to drive is the principal or a supplementary penalty imposed by the court or an extra-judicial body for an offence relating the violation of the requirements of this Act or legislation issued on the basis thereof, which entails the prohibition to drive a vehicle. The right to drive motor vehicles is revoked where the person has obtained the right to drive by fraudulent means or where the person's driving licence was issued on the basis of a document containing falsified or false information. |  |
| |  |
| Restriction, suspension, withdrawal and cancellation of the right to drive. |  |
| |  |
| - restriction - Suspension or Withdrawal or cancellation are all the same for me (What is the difference?) |  |

| What are the types of driving disqualification applied in your country (e.g. restriction, suspension, withdrawal or cancellation of the right to drive)? | Report |
|---|-------------------|
| | ↗ |
| | ↗ |
| | ↗ |
| test | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Restriction, suspension, cancellation. The withdrawal is only applicable in relation to the driving licence. For the period of the suspension the driving licence is withdrawn and can be given back to the driver when the suspension is terminated (provided that the document is still valid). | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |

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N 91

What types of driving disqualification are applied to non-residents?



N 34

What types of driving disqualification are applied to non-residents?

| What types of driving disqualification are applied to non-residents? | Report |
|---|-------------------|
| The same driving disqualifications apply for residents and non-residents. However, the enforcement is different, e.g. a foreign driving licence cannot be confiscated taken but the right to drive in Denmark can. Furthermore, the same requirements for regaining the right to drive cannot be applied for non-residents. | ↗ |
| In our country, a database called EPS was developed, which keeps track of the contraventions and crimes committed by holders of driving licenses issued by authorities of other states. | ↗ |
| => driving prohibition on national territory (administrative temporary measure) ; => prohibition of obtaining a driving licence (criminal measure/ mesure judiciaire). | ↗ |
| . | ↗ |

| What types of driving disqualification are applied to non-residents? | Report |
|--|-------------------|
| | ↗ |
| | ↗ |
| Portugal: Despite the payment of fines, no other sanctions are applied to non-resident drivers. Denmark: Driving ban Norway: Non-residents may lose the right to drive in Norway | ↗ |
| Almost the same as on residents. The Road Traffic Act No. 361/2000 Coll. knows the deprivation of the right to drive by decision of the court in criminal or administrative matters or by accumulating 12 penalty points within a year as "penalty" measure. The Czech residents shall hand on the driving license to the Czech Issuing Authority. Non-residents loose the right to drive and their Issuing Authority is notified (at least in cases on EU MS and the Swiss). | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| A holder of a foreign driving licence shall be subject to the same driving ban provisions as a resident in Finland. If the holder of a driving licence issued abroad is not permanently resident in Finland, the police shall, upon request, give the driving licence back to the holder of the driving licence when he or she leaves the country, even if the driving ban or temporary driving ban has not yet ended. The right to drive does not exist in Finland for as long as the driving ban or temporary driving ban is in force. Without taking possession of the driving licence, the police may indicate that the licence is not valid in Finland. | ↗ |
| If foreigners do not pay their fine or consignment, their vehicle will be impounded at their expense and risk until the sum has been paid. After 96 hours, the public prosecutor's office can request the confiscation of their vehicle. If the judge has sentenced a foreigner to a driving ban, this is only valid on Belgian territory. If this person goes abroad again, he or she will, in principle, get their driving license back. However, he is no longer allowed to drive in Belgium. | ↗ |
| | ↗ |
| Se está trabajando en la puesta en marcha de un Registro de no residentes para poder aplicar el sistema de permiso por puntos a todos los no residentes | ↗ |
| We can prohibit them from driving in our country. | ↗ |
| | ↗ |
| The same as for national residents. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| Temporary driving bans can be imposed on foreign drivers as well as the right to use a foreign driving licence in Germany can be revoked. | ↗ |
| The same as for residents | ↗ |
| There is no difference between Bulgarian ang foreign citizen. | ↗ |
| | ↗ |
| Primarily it's limited to invalidation/cancellation of the right to drive in Sweden. If the offender is a non-resident from an EEA-county and the authority considers the offender as permanent resident in Sweden, the Swedish Transport Agency can forcefully exchange the driving license to a Swedish one and make any of the disqualifications mentioned under question 6. | ↗ |
| | ↗ |
| | ↗ |
| I don't have any opinion. | ↗ |
| | ↗ |
| Suspension if validity oh driving licence has wxpired and withdrawal can be applied to non-residents. | ↗ |
| | ↗ |
| Administrative suspension due to loss of points or judicial driving ban. | ↗ |
| | ↗ |
| Non-residents: Suspension with only national impact For residents, a withdrawal with worldwide Impact !!! is made This System should be followed by all MS, in order to avoid Problems in other MS (such as Germany only makes withdrawal with national Impact for German residents in some cases - if These people want to drive abroad, is this allowed, which regulations apply - an unclear Situation!!!) | ↗ |
| | ↗ |

| What types of driving disqualification are applied to non-residents? | Report |
|--|-------------------|
| | ↗ |
| | ↗ |
| test | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| All of those that are applied to residents. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |

Part 1 of 4

N 91




































Is there any other sanction scheme than demerit/penalty points which result in a driving disqualification?







N 34

Is there any other sanction scheme than demerit/penalty points which result in a driving disqualification?

| Is there any other sanction scheme than demerit/penalty points which result in a driving disqualification? | Report |
|--|-------------------|
| Yes, if traffic offenses regarding rules on driving and rest times have been committed, the right to drive will only affect category C1, C1/E, C, C/E, D1, D1/E, D, D/E and B/E. The driver will be able to keep the right to drive in the remaining categories. | ↗ |
| No information | ↗ |
| No | ↗ |

| Is there any other sanction scheme than demerit/penalty points which result in a driving disqualification? | Report |
|--|---|
| . |  |
| |  |
| |  |
| Portugal: No, there isn't. Norway: Lack of medical requirements, driving skills and sobriety Pirate taxi driving, violation of driving and resttime |  |
| No. |  |
| |  |
| |  |
| |  |
| A new driver (who holds licence B or A, former for cars and latter for motorcycles) is subject to stricter monitoring than other drivers for two years from the time they first obtain a driving licence. In order to prevent drivers' high-risk behavior, returning a driving licence after a driving disqualification requires the driver to undergo additional training. This 'driving disqualification training' deals with high-risk behavior and its effects on road safety. The training includes individual assignments and group discussion. The scope of the training is four hours and it is possible to complete it as e-learning via distance learning. |  |
| Yes, as mentioned above. |  |
| |  |
| See above about criminal offenses |  |
| Only prohibit, as well as the penalty point system. |  |
| |  |
| As already described above, a misdemeanour or a felony. |  |
| |  |
| |  |
| |  |
| No |  |
| No |  |
| Judicial acts |  |
| |  |
| None - N/A |  |
| |  |
| |  |
| I don't have any opinion. |  |
| |  |
| We don't use demerit point system. The cases when court or an extra-judicial body may impose as a supplementary penalty the withdrawal of the right to drive vehicles are described in answer 1. |  |
| |  |
| No. |  |
| |  |
| - direct and immediate withdrawal for the heaviest offences see Question 1 - recidivist System for medium heavy offences (withdrawal after third offence within 3 years) - see Question 2 |  |
| |  |
| |  |
| |  |

| What other offences than road traffic related (e.g. tax evasion or transport document forgery) result in a driving disqualification? | Report |
|--|---|
| Portugal: None Denmark: none Norway: Use of motor vehicle in criminal offenses, e.g. drug offenses, serious smuggling, rape, murder, robbery |  |
| A) Any offences, where Conditional Suspension of the Criminal Prosecution or Conditional Deferral of the Submission of the Petition for Punishment can be imposed, could result into driving disqualification. Conditional Suspension of the Criminal Prosecution under Sec. 307 of the Act on Criminal Proceeding ((Act. No. 141/1961 Coll.) can be imposed for all offences as described in Sec. 14 Para 2 of Czech Criminal Code. Under Sec. 14 Para 2 of Czech Criminal Code Offences are all negligent criminal offences and such intentional criminal offences for which a prison sentence up to five years can be imposed. Crimes are all criminal offences that are not classified as offences under criminal law (under Sec. 14 Para 3); Particularly serious crimes are those intentional criminal offences for which criminal law sets out a prison sentence with an upper penalty limit of at least ten years). Sec. 307 Conditional Suspension of the Criminal Prosecution (Act. No. 141/1961 Coll.): (5) The decision on conditional suspension of criminal prosecution under Subsection 2 must also contain the amount of the monetary sum intended for the State for financial assistance to victims of criminal activity or specify the activity from which the accused undertakes to refrain during the probation period. If the accused undertakes to refrain from driving motor vehicles during the probation period of the conditional suspension of the criminal prosecution, they must be instructed of the obligation to hand in their driving licence under a special legal regulation and of the fact that upon the full force and effect of the decision on conditional suspension of the criminal prosecution they will lose the licence to drive. Sec. 179g Conditional Deferral of the Submission of the Petition for Punishment (5) A decision on conditional deferral of the submission of a petition for punishment under Subsection 2 must also contain the amount of the monetary sum intended for the State for the financial assistance to victims of criminal activity or specify the activity from which the suspect undertakes to refrain during the probation period. If the suspect undertakes to refrain from driving motor vehicles during the probation period of the conditional deferral of the submission of the petition for punishment, they must be instructed of the obligation to hand in their driving licence under a special legal regulation and of the fact that upon the full force and effect of the decision on conditional deferral of the submission of the petition for punishment they will lose the licence to drive. B) Other criminal offences than road traffic related (which can result in a driving disqualification are these, which were committed in connection with driving. |  |
| |  |
| |  |
| |  |
| There are no offences directly other than road traffic related that would result in driving disqualification. Although a driving ban may also be imposed if the driver has not submitted a medical opinion, an optician's opinion or a certificate of completion of a new approved driver's examination, a driving test or a driving test within a time limit set by the police. |  |
| Customs can seize the car of any defaulter (e.g. for an outstanding traffic fine or unpaid road tax, but also if one is driving an uninsured or non-inspected car). Those who still have not paid their debt after 10 days can even have their car sold. But a driving ban can only be imposed by a judge if the person commits an offence under the Road Traffic Law, so not for non-traffic-related offences. |  |
| |  |
| No one more. |  |
| There is no such. |  |
| |  |
| Breaches of road traffic rules that result in a driving disqualification are considered an offence or a criminal offence. |  |
| |  |
| |  |
| |  |
| |  |
| According to section 44(1) of the StGB (https://www.gesetze-im-internet.de/stgb/_44.html), a driving ban may also be considered as a secondary penalty for offences outside road traffic. |  |
| None |  |
| document forgery |  |
| |  |
| Other non-traffic related crimes, for example murder, organized crime. |  |
| |  |
| |  |
| |  |
| I don't have any opinion. |  |
| |  |
| If a call-up selectee ignores repeatedly the obligation to enter into the conscript service, his right to drive can be suspended. Also, if a child maintenance debtor has not made regular payments towards the child's maintenance, and the enforcement agent's attempts to collect such maintenance out of the debtor's property have not been successful, debtor's right to drive can be suspended. |  |
| |  |

| What other offences than road traffic related (e.g. tax evasion or transport document forgery) result in a driving disqualification? | Report |
|---|-------------------|
| Transport document forgery. | ↗ |
| | ↗ |
| heavy criminal offences (such as murder, injury, sexual crimes, robbery, drug crimes...) | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| test | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| DQ might be applied as an auxiliary sanction where the act was committed by the means of using a vehicle E.g. the person who had the role of the driver during a robbery might be disqualified. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |







What is the qualification (administrative or criminal) of road traffic offences which result in a driving disqualification?



What is the qualification (administrative or criminal) of road traffic offences which result in a driving disqualification?

| What is the qualification (administrative or criminal) of road traffic offences which result in a driving disqualification? | Report |
|---|---|
| Road traffic offenses that will result in a driving disqualification are criminal offenses |  |
| No information |  |
| NA |  |
| . |  |
| |  |
| |  |
| Portugal: Driving disqualification in Portugal is an accessory sanction. It does not constitute a major penalty. It only exists in the case of a violation that provides for its application and only on a temporary basis. Denmark: criminal |  |
| These (administrative) road traffic offences might mostly result in a driving disqualification, if the person accumulates 12 penalty points. Or if the criminal court decides so. For criminal disqualification, the criminal court may impose a (criminal) disqualification of one to ten years for any (criminal) offence or crime, if the offender has committed a criminal offence or crime in connection with driving (Sec. 73 of the Criminal Code). 7 penalty points for: Drink-driving Refusal to undergo alcohol-test or test for other addictive substance Entering the train-crossing where such crossing is forbidden Bad direction in the Highway Committing a road-accident with killing or serious bodily harm 5 penalty points for: Red-driving/refusal to stop at "STOP" signal Dangerous overtaking/jeopardy of other driver by overtaking 4 penalty points for: Threat of the pedestrian at the crosswalk No car seat for children 3 points for: Speeding (20km/h in city and 30 km/h outside the city) No safety belts 2 points: Speeding (more than 5 km/h in city and 10 km/h outside the city) Distraction (using a phone/gps navigation/camera/smart watches) |  |
| |  |
| |  |
| |  |
| The qualifications are divided into offenses that are punishable under the Penal Code and administrative summary penal fees. |  |
| Always criminal. |  |
| |  |
| Already explained before |  |
| They can be linked to contraventions, offences and administrative infringements of lawful rights. |  |
| |  |
| Breaches of road traffic rules that result in a driving disqualification are considered an offence or a criminal offence. |  |
| |  |
| |  |
| Standard cases of criminal driving licence disqualification defined in §69 StGB (https://www.gesetze-im-internet.de/stgb/_69.html) |  |
| Administrative in the case of penalty points accumulated, Court conviction in the case of all others, with the exception of intoxicated driving in the band of 50 - 80 millilitres of alcohol per 100 millilitres of blood (lower limit of 20 millilitres in the case of learner, novice and professional drivers) which result in an automatic administrative disqualification |  |
| As was said above - administrative or criminal |  |
| |  |
| Administrative |  |
| |  |
| |  |
| I don't have any opinion. |  |
| |  |
| Can be both. |  |
| |  |
| Both qualifications are possible. |  |

For each road traffic offense which result in a driving disqualification, please indicate:- the type of the driving disqualification and, if applicable, the maximum duration of the disqualification,- precise definition of the offence (e.g. speeding of 50 km/h above the limit or blood alcohol content of more than 0.08%,- obligatory conditions to recuperate the lost right to drive or deducted demerit/penalty points (e.g. additional training, medical examination).- possibility to appeal / challenge the driving disqualification

| For each road traffic offense which result in a driving disqualification, please indicate: - the type of the driving disqualification and, if applicable, the maximum duration of the disqualification, - precise definition of the offence (e.g. speeding of 50 km/h above the limit or blood alcohol content of more than 0.08%), - obligatory conditions to recuperate the lost right to drive or deducted demerit/penalty points (e.g. additional training, medical examination). - possibility to appeal / challenge the driving disqualification | Report |
|--|---|
| <p>Duration The duration of an unconditional suspension is between 6 months and 10 years depending on the severity and recurrence of the offense. The right to drive can be permanently suspended if the driver has committed serious driving errors during driving. If the driving has resulted in serious personal injury and there is information about the driver's previous traffic offenses which indicate that a permanent suspension is required for road safety and law enforcement. Definition Regarding precise definition of the offenses please see the previous answers. Recuperate the lost right to drive To regain the right to drive after a suspension, a driving test has to be passed. A driving test consists of a theoretical and a practical part. If the traffic offense was driving while being under the influence of alcohol or drugs, a course in alcohol/drugs and traffic has to be completed as well. If the offense was driving while being under the influence of alcohol it can be a condition that the driver participates in an alcohol interlock programme. We have two different alcohol interlock programmes: 1.The mandatory programme targets second time offenders with a BAC level of more than 1.2, or first-time offenders with a BAC level of more than 2.0. Is it the third time or more, then it does not matter how high the BAC levels were. 2.The voluntary programme targets first time offenders with a BAC level no higher than 2.0 and second time offenders with a BAC level of no higher than 1.2 If traffic offenses regarding rules on driving and rest times have been committed, the right to drive can be regained by completing a course related to the offense e.g. a course in driving and rest time and use of tachograph. Has the right to drive been banned instead of suspended, then special training has to be completed with an approved driving instructor before the driver can take a driving test and regain the right to drive. The possibility to challenge the driving disqualification A driver can challenge the driving disqualification in court.</p> |  |
| <p>No information</p> |  |
| <p>1) Suspension : (up to six months) 1-1 Administrative suspension : => Causing death by dangerous driving ; => Causing serious injury by careless driving ; => Driving with a BAC of ≥0.5 g/l in blood sample/Failing to cooperate with a breath test ; => Drink driving – subsequent offence ; => Driving under influence of drugs/Failing to cooperate with a preliminary test ; =>Speeding by over 50 kph ; => Using mobile phone while driving, and one of theses offences : Speeding ; Driving without respecting driving licence requirements and restrictions ; Failing to stop before a red light ; a stop sign or give way ; Not respecting safety distances ; Not respecting undertaking rules ; Not respecting the pedestrian priority of passage ; Driving on the white line. => all road offences punishable by the additional penalty of licence suspension. The drivers have the right to challenge the administrative mesure by appealing to the administrative court. 1-2 Criminal suspension (suspension judiciaire) 1-2-1 Suspension up to 3 years : => Driving under influence of drugs/ Failing to cooperate with a preliminary test ; => Drink driving /Failing to cooperate with a breath test ; =>Speeding by over 30 kph ; => Use of illegal speed cameras detector ; => Dangerous overtaking ; => failing to give way ; => Failing to stop before a red light ; a stop sign or give way ; => driving on a no through road ; => Driving with a phone in hand ; => Driving despite disqualifications ; => Driving with no insurance certificate ; => Making U-turn/Reversing on a motorway ; => Driving at night/In dark surroundings with lights off ; => Not respecting safety distances ; => Driving on the left when not on a dual carriageway ; => Crossing a white line/ Driving on a white line ; => Accelerating while being overtaken ; => Failing to give way when entering a highway ; => Dangerous or inconsiderate stopping/parking ; => Stopping/parking at night or in dark surroundings without lighting ; => Turning suddenly without prior warning ; => Driving on hard shoulder . 1-2-2 Suspension up to 5 years : => Involuntary interference with the life or integrity of a person ; => Hit and run/ The driver has the right to appeal to the Court of Appeal. 2) Criminal cancellation (annulation judiciaire) 2-1 Pronounced automatically : => Causing death by dangerous driving (up to 10 years) ; => Driving under influence of drugs/ Failing to cooperate with a preliminary test (re-offending) (up to 3 years) ; =>Drink driving (re-offending)/Failing to cooperate with a breath test (up to 3 years). 2-2 Which may be pronounced by a judge : => Driving under influence of drugs/ Failing to cooperate with a preliminary test (up to 3 years) ; => Drink driving/Failing to cooperate with a breath test (up to 3 years) ; => Refusal to surrender driver's licence (up to 3 years). The driver has the right to appeal to the Court of Appeal. After a suspension (administrative or criminal) for more than one month, for drug abuse in driving or for alcohol use in driving or a cancellation, the driver has to pass a medical examination. The medical examination must be done with an approved doctor or a committee of doctors. When the licence is cancelled, the driver has to pass the theoretical examination of Road Code within 9 months from the cancellation, otherwise he has to pass the theoretical and practical examination.</p> |  |
| <p>.</p> |  |
| <p>.</p> |  |
| <p>.</p> |  |

| For each road traffic offense which result in a driving disqualification, please indicate: - the type of the driving disqualification and, if applicable, the maximum duration of the disqualification, - precise definition of the offence (e.g. speeding of 50 km/h above the limit or blood alcohol content of more than 0.08%), - obligatory conditions to recuperate the lost right to drive or deducted demerit/penalty points (e.g. additional training, medical examination). - possibility to appeal / challenge the driving disqualification | Report |
|---|--------|
| <p>a) The transit of vehicles in the opposite direction to that established; b) Excess of speed practiced outside the localities exceeding 30 km / h over the legally imposed limits, when practiced by the motorcycle or light vehicle driver, or greater than 20 km / h, when practiced by the driver of another vehicle at motor; c) The excess of speed practiced within the localities exceeding 20 km / h over the legally imposed limits, when practiced by the motorcycle or light car driver, or greater than 10 km / h, when practiced by the driver of another motor vehicle ; d) Excess speed exceeding 20 km / h over the speed limits established for the driver or specially fixed for the vehicle; e) Traffic with excessive speed for the characteristics of the vehicle or the road, for atmospheric or traffic conditions, or in cases where the speed must be especially moderate; f) Failure to respect the rules and signs relating to distance between vehicles, yielding passage, overtaking, changing direction or traffic lane, reversing the direction of travel, beginning of the march, position of the march, reversing and crossing the crossing of level; g) Stopping or parking at the edges of motorways or similar roads; h) Failure to comply with the traffic rules for heavy vehicles and vehicle combinations, on motorways or similar roads; i) Failure to give pedestrians passage by the driver who changed direction within the localities, as well as disrespect for their transit on the marked passages for that purpose; j) The transit of vehicles without the use of the lights, as well as the transit of motorcycles and mopeds without the use of dipped-beam headlamps; (l) driving under the influence of alcohol, when the blood alcohol level is equal to or greater than 0.5 g / l and less than 0.8 g / l or equal to or greater than 0.2 g / l and less than 0, 5 g / l when respecting the driver on probation, driver of a rescue vehicle or urgent service, of collective transport of children and young people up to the age of 16, by taxi, of a heavy passenger or goods vehicle or of goods transport dangerous; m) Failure to use the danger pre-signaling signal and hazard warning lights; n) The use, while the vehicle is in motion, of audible headphones and radiotelephone devices; (with exceptions); o) The stop and the parking at the passages marked for the crossing of pedestrians; p) The transport of smaller or unaccountable passengers without them using mandatory safety accessories. q) The circulation of vehicles without civil liability insurance All the aforementioned traffic offenses are subject to an accessory sanction for driving disqualification with a minimum duration of 1 month and a maximum duration of 1 year. However, the sanction can be lifted if the driver in his registration has not had any registration in the last five years. The following are very serious offences: a) Stopping or parking on carriageways, outside the localities, less than 50 m from intersections and junctions, curves or bumps with insufficient visibility, and also stopping or parking on the carriageways of motorways or similar roads ; b) Parking, at night, on the traffic lanes, outside the localities; c) Failure to use the danger pre-signaling signal, as well as the lack of signaling of a vehicle immobilized by damage or accident, on highways or similar roads; d) The use of high beam in order to cause dazzle; e) The entry or exit of motorways or similar roads from places other than the accesses for these intended purposes; f) The use, on freeways or similar roads, of the traffic separators or openings that may exist in them, as well as the traffic on the shoulders; g) The infractions provided for in paragraph a) of the serious offences when practiced on motorways, similar roads and roads with more than one transit route in each direction; (Character limit reached - incomplete response).</p> | ✎ |
| <p>There is always a possibility to appeal and to use administrative action in court.</p> | ✎ |
| | ✎ |
| | ✎ |
| | ✎ |
| <p>The type of the driving disqualification and the maximum duration of the disqualification: •repeated traffic violations (maximum duration of the disqualification 6 months) •operation of a vehicle without a licence (max. duration 6 months) •causing a traffic hazard in a manner indicating gross negligence (max. duration 6 months) •causing a serious traffic hazard (max. duration 5 years) •driving while intoxicated (max. duration 5 years) •driving while seriously intoxicated (max. duration 5 years) •offence involving the transport of hazardous materials (max. duration 5 years) •driving while intoxicated abroad (max. duration 6 months) Precise definition of the offence: •repeated traffic violations These include violations of road traffic rules like speeding, failure to comply with the red traffic light, failure to use a personal safety device etc. •operation of a vehicle without a licence A person, who operates, steers or controls a motor vehicle without the right to do so or without a licence proving the required competence •causing a traffic hazard in a manner indicating gross negligence A road user who intentionally or negligently breaches the law, regulations or orders in a manner conducive to causing a hazard to others •causing a serious traffic hazard The driver intentionally or through gross negligence (1) Significantly exceeds the maximum speed limit, (2) Starts to overtake while the visibility is insufficient for safe overtaking or while overtaking is otherwise not allowed, (3) Fails to heed the duty to stop or give way required by traffic safety, or (4) In another comparable manner breaches the traffic regulations, so that the act is conducive to causing serious danger to the health or safety of another •driving while intoxicated: Blood alcohol level 0,5-1,19 per mille (Alcohol in 1 litre of exhaled air 0,22-0,49 mg per litre) •driving while seriously intoxicated Blood alcohol level over 1,20 per mille (Alcohol in 1 litre of exhaled air over 0,53 mg per litre) •offence involving the transport of hazardous materials A person who sends, gives as freight, ships, transports, drives, loads, places on board, unloads, handles, keeps as baggage or temporarily stores a dangerous substance so that the action is conducive to endangering the life or health of another or it endangers the property of another •driving while intoxicated abroad Driving while intoxicated is punishable according to the country's own regulations. If this has led to a punishment abroad, it must also be punishable in Finland in order to have consequences. (The answer will continue in the next answer box)</p> | ✎ |
| <p>This information can be found in the Road Traffic Law of 16 March 1968. If it comes to a driving ban, most information can be found in article 38. The alcohol offences can be found in article 34, 35, 36, 37 and 37/1. A driving ban in case of "physical or mental unfitnes to drive" can be found in article 42. For a speeding violation, the following tool can be used to calculate the fine: https://wegcode.be/boeteberekening. Article 29 gives information on the 4 degrees of offences that we know in Belgium: from the most severe type (4th degree) until the rest category (=the first degree). Recidivism is dealt with in article 38, §6. The judge then has to pronounce a driving ban in combination with 4 compulsory rehabilitation examinations (medical and psychological examination, plus practical and theoretical examination). If you have specific questions, we are willing to help you.</p> | ✎ |
| | ✎ |

| For each road traffic offense which result in a driving disqualification, please indicate: - the type of the driving disqualification and, if applicable, the maximum duration of the disqualification, - precise definition of the offence (e.g. speeding of 50 km/h above the limit or blood alcohol content of more than 0.08%), - obligatory conditions to recuperate the lost right to drive or deducted demerit/penalty points (e.g. additional training, medical examination). - possibility to appeal / challenge the driving disqualification | Report |
|--|---|
| <p>- the type of the driving disqualification and, if applicable, the maximum duration of the disqualification, En la vía penal, la pena de privación del derecho a conducir puede ir de 3 meses a 10 años. En vía administrativa, la pérdida de vigencia es de un mínimo de 6 meses a partir de ese plazo el conductor puede obtener un nuevo permiso. - precise definition of the offence (e.g. speeding of 50 km/h above the limit or blood alcohol content of more than 0.08%), Velocidad: El que condujere un vehículo de motor o un ciclomotor a velocidad superior en sesenta kilómetros por hora en vía urbana o en ochenta kilómetros por hora en vía interurbana a la permitida reglamentariamente, será castigado con la pena de prisión de tres a seis meses o con la de multa de seis a doce meses o con la de trabajos en beneficio de la comunidad de treinta y uno a noventa días, y, en cualquier caso, con la de privación del derecho a conducir vehículos a motor y ciclomotores por tiempo superior a uno y hasta cuatro años. Drogas/alcohol: Con las mismas penas será castigado el que condujere un vehículo de motor o ciclomotor bajo la influencia de drogas tóxicas, estupefacientes, sustancias psicotrópicas o de bebidas alcohólicas. En todo caso será condenado con dichas penas el que condujere con una tasa de alcohol en aire espirado superior a 0,60 miligramos por litro o con una tasa de alcohol en sangre superior a 1,2 gramos por litro. Conducción temeraria: El que condujere un vehículo a motor o un ciclomotor con temeridad manifiesta y pusiere en concreto peligro la vida o la integridad de las personas será castigado con las penas de prisión de seis meses a dos años y privación del derecho a conducir vehículos a motor y ciclomotores por tiempo superior a uno y hasta seis años. Conducción con desprecio a la vida: Será castigado con las penas de prisión de dos a cinco años, multa de doce a veinticuatro meses y privación del derecho a conducir vehículos a motor y ciclomotores durante un período de seis a diez años el que, con manifiesto desprecio por la vida de los demás, realizare la conducta descrita en el artículo anterior. Abandono del lugar del accidente: El conductor de un vehículo a motor o de un ciclomotor que voluntariamente y sin que concurrea riesgo propio o de terceros, abandone el lugar de los hechos tras causar un accidente en el que fallecieran una o varias personas o en el que se le causare lesión constitutiva de delito, será castigado como autor de un delito de abandono del lugar del accidente. Los hechos contemplados en este artículo que tuvieran su origen en una acción imprudente del conductor, serán castigados con la pena de prisión de seis meses a cuatro años y privación del derecho a conducir vehículos a motor y ciclomotores de uno a cuatro años. Si el origen de los hechos que dan lugar al abandono fuera fortuito le corresponderá una pena de tres a seis meses de prisión y privación del derecho a conducir vehículos a motor y ciclomotores de seis meses a dos años. Negativa a someterse a pruebas: El conductor que, requerido por un agente de la autoridad, se negare a someterse a las pruebas legalmente establecidas para la comprobación de las tasas de alcoholemia y la presencia de las drogas tóxicas, estupefacientes y sustancias psicotrópicas a que se refieren los artículos anteriores, será castigado con la penas de prisión de seis meses a un año y privación del derecho a conducir vehículos a motor y ciclomotores por tiempo superior a uno y hasta cuatro años. Ha de aclararse que la pena de privación del derecho a conducir puede ser impuesta como consecuencia de cualquier delito, no necesariamente ha de ser un delito relacionado con la seguridad vial. - obligatory conditions to recuperate the lost right to drive or deducted demerit/penalty points (e.g. additional training, medical examination). Suspensión judicial del permiso de conducción (privación del derecho a conducir por tiempo igual o inferior a dos años): el conductor debe superar un c</p> |  |
| <p>In case of contraventions the law court can apply prohibit from driving, which has no higher border, it can be permanent too. In case of offences the infringement authority can apply prohibit from driving as provision, from 1 month to 1 year can be prohibited from the driving. If the numbers of the penalty points reach the 18 points, it results 6 months of driving disqualification. The correct determination of the contravention (e.g. exceeding of the 50 km/h speed over the limit value or the alcoholic content of blood surpasses the 0,08 %) Offence: a person who is intoxicated and has alcohol derived from the consumption of an intoxicant capable of producing a concentration higher than 0.50 grams/ liter of blood alcohol or 0.25 milligrams/liter of air alcohol. -the obligatory conditions for the recovery of lost driving license, or deduction of the penalty points (e.g. : complementary instruction, medical examination) -The registered points may be taken into consideration by aggregating the points for three years from the date of the decision to find a violation of the regulations on which the points is based and from the date of acknowledgment of the on-site fine. -The registry informs the driver, if the points have reached 13 - taking into account the restriction contained in Section 9 § (1a) – informs about the opportunity of retraining regarding to reduction of points, moreover warns the driver of consequences of the maximum point limit. The registered point can be taken into consideration by aggregating the points for three years from the date of the decision to find a violation of the regulations on which the point is based and from the date of acknowledgment of the on-site fine. -The registry informs the driver, if the points have reached 13 - taking into account the restriction contained in Section 9 § (1a) – informs about the opportunity of retraining regarding to reduction of points, moreover warns the driver of consequences of the upper point limit. -If the registered points of the driver has reached or surpassed 18 points, the registry informs within three days the competent capital and county district office, and they revoke the driving licence within 8 days. -When the decision based on the (1) paragraph becomes final, the registered points shall be canceled by the traffic management authority. -The revoked driving license must be returned within 6 months after the transmission, if the driver has taken part in retraining after revocation of driving license – except, if the driver is exempted from retraining based on the law about the road traffic – and other determined conditions for driving license exist in a separate law. -The driver can reduce the registered points, if he/she voluntary takes part in retraining. Based on the retraining certificate, which has arrived into the registry, when the driver completes successful the voluntary retraining, the points shall be reduced to 13 points by 9 points, between 14 and 17 points by 6 points. -If the registered points also include the determination of 9 points assigned for an infringement, which is penalized by administrative penalty, the number of the registered points may be reduced only by participation in voluntary retraining above 9 points based on the (1) paragraph. The number of points registered may not be reduced by voluntary retraining again within one year of proof of participation in voluntary retraining. -The registry informs the driver about the measure of the reduction based on the voluntary retraining and about the number of the remaining points. -The law insures opportunity for appeal, but the obligatory prohibit must be applied, if the conditions are realized (e.g.: the penalty points are collected)</p> |  |
| <p>In the case of a criminal offence, the shortest period of disqualification is one month and the longest is ten years. In the case of an offence, the shortest period of disqualification is one month and the longest one year. Within the above limits, the offending authority or the court has discretion. The court can disqualify someone from driving if they commit the offence by breaking the rules on driving with a licence or using a vehicle to commit the offence. If someone commits the offence by breaking the rules on driving with a licence, the offending authority or the court has the power to disqualify them from driving. A driver must undergo refresher training a) who has been sentenced by a court or an administrative authority for a traffic offence to at least 6 months, or b) who has been disqualified from driving by a court for a traffic offence, and c) whose driving licence has been withdrawn by the competent authority on the basis of the system of points for road traffic offences. There is a right of appeal against the decision of the infringement authority or the court.</p> |  |
| |  |
| |  |
| <p>Driving bans for administrative offences are imposed e.g. for serious speeding or distance or red light violations (see overview at https://www.adac.de/-/media/adac/pdf/jze/kosten-verkehrsverstoesse.pdf?la=de-de). Driving bans or disqualifications are imposed for criminal offences, in particular for endangering road traffic (§315c StGB), prohibited motor vehicle races (§315d StGB), drunk driving (§316 StGB), unauthorised leaving the scene of an accident (§142 StGB) and drunk driving (§323a StGB).</p> |  |

| For each road traffic offense which result in a driving disqualification, please indicate: - the type of the driving disqualification and, if applicable, the maximum duration of the disqualification, - precise definition of the offence (e.g. speeding of 50 km/h above the limit or blood alcohol content of more than 0.08%), - obligatory conditions to recuperate the lost right to drive or deducted demerit/penalty points (e.g. additional training, medical examination). - possibility to appeal / challenge the driving disqualification | Report |
|---|--------|
| <p>Driving under the Influence of Alcohol Experienced drivers (a) 51mg to 80mg of alcohol per 100ml of blood (b) 68mg to 107mg of alcohol per 100ml of urine (c) 23mg to 35mg of alcohol per 100ml of breath €200 fine, 3 months disqualification for a first offence within a 3-year period, or otherwise 6 months Experienced drivers (a) 81mg to 100mg of alcohol per 100ml of blood (b) 108mg to 135mg of alcohol per 100ml of urine (c) 36mg to 44mg of alcohol per 100ml of breath €400 fine, 6 months disqualification for a first offence within a 3-year period, or otherwise 1 year Learner/Novice/Professional drivers (a) 21mg to 80mg of alcohol per 100ml of blood (b) 28mg to 107mg of alcohol per 100ml of urine (c) 10mg to 35mg of alcohol per 100ml of breath €200 fine, 6 months disqualification Driving under the influence of Drugs In relation to cannabis, cocaine and heroin the limits (units in whole blood) are: cannabis (THC): 1ng/ml cannabis (THC-COOH): 5ng/ml cocaine: 10ng/ml benzoylecgonine (Cocaine): 50ng/ml 6-Acetylmorphine (Heroin): 5ng/ml In terms of disqualification periods, for those convicted of being above the threshold for cannabis, cocaine and heroin with no proof of impairment necessary by, the disqualification period is not less than 1 year for the first offence and not less than 2 years for the second or subsequent offence. For the existing offence of drug driving, while impaired, the disqualification periods are a minimum of 4 years for a first offence and 6 years for a second or subsequent offence. Dangerous Driving A person shall not drive a vehicle in a public place in a manner (including speed) which having regard to all the circumstances of the case (including the condition of the vehicle, the nature, condition and use of the place and the amount of traffic which then actually is or might reasonably be expected then to be in it) is or is likely to be dangerous to the public. Careless Driving A person shall not drive a vehicle in a public place without due care and attention.</p> | ✍ |
| <p>1. For driving a motor vehicle with a concentration of alcohol in the blood over 0.5 per thousand to 1.2 per thousand inclusive - 10 control points; 2. When the violation under item 1 has been committed repeatedly - 15 control points; 3. For refusal to carry out an inspection with a technical means for establishing the use of alcohol and / or narcotic substances or their analogues - 12 control points; 4. For driving a motor vehicle, on which the plates with the registration number are not placed at the places designated for that - 8 control points; 5. For driving a motor vehicle, which is not duly registered or is registered, but is without plates with registration number - 10 control points; 6. For violation of the rules for passing through a railway crossing - 5 control points; 7. For exceeding the allowed maximum speed by over 50 km / h in a populated area - 12 control points; 8. For non-stopping of a road sign 'Stop! Skip the road users with an advantage!' or incorrect overtaking - 8 control points; 9. For use of a mobile phone - 6 control points; 10. For non-fulfillment of the obligation to use a seat belt or to wear a helmet - 6 control points; 11. For transportation of children in violation of the requirements - 6 control points; 12. For passing at a red signal at a traffic light - 8 control points; 13. When the violation under item 12 has been committed repeatedly - 12 control points; 14. For not providing an advantage when crossing a pedestrian path - 8 control points; 15. when the violation under item 14 has been committed repeatedly - 12 control points.</p> | ✍ |
| | ✍ |
| <p>a. the type of the driving disqualification and, if applicable, the maximum duration of the disqualification, Withdrawal between 1-36 months b. precise definition of the offence (e.g. speeding of 50 km/h above the limit or blood alcohol content of more than 0.08%), Examples: - Gross negligence in traffic Definition of the crime: Failure of a road user, a person who drives a tram or a person anywhere other than on the road for a motor vehicle, to a significant extent in the care and caution that in the event of a traffic accident conditions of the circumstances, is convicted of negligence in traffic. If a person drives a motor vehicle or tram while committing gross negligence or shows obvious indifference to other people's life or property, he is sentenced to a maximum of two years' imprisonment for gross negligence in traffic. In the event of gross negligence in traffic, the withdrawal time is the minimum. Up to 30 months occur. Normal withdrawal time is 24 months. - Drunk driving Definition of the crime: Anyone who drives a motor vehicle or a tram after consuming alcohol in such a quantity that the alcohol concentration during or after the journey amounts to at least 0.2 per mille in the blood or 0.10 milligrams per liter in the exhaled air is sentenced for drunk driving to fine or imprisonment for a maximum of six months. For drunk driving according to the first paragraph, a person who drives a motor vehicle or a tram after taking drugs in such a large quantity that there is some narcotic substance left in the blood during or after the journey is also sentenced. However, this does not apply if the drug has been taken in accordance with the prescription of a doctor or other authorized prescriber. For those who are qualified for alcohollocks, the minimum lock-in period according to paragraph is 12 months, or a condition for alcohollocks for 12 months. For those who are not qualified for alcohol locks, a lock-in period is set between 2 - 10 months, depending on the alcohol concentration. Normal withdrawal time for drunk driving according to paragraph 2 is 12 months. - Speeding A driving license shall be revoked if the driving license holder has otherwise exceeded the maximum permitted speed when driving a motor vehicle or a tram, driven at a red light, failed to observe a stop, drove over at a pedestrian crossing or violated any other rule that is essential from a road safety point of view. Other essential rules from a road safety point of view. For example: - driving without a license - carelessness in traffic c. obligatory conditions to recuperate the lost right to drive or deducted demerit/penalty points (e.g. additional training, medical examination). N/A d. Possibility to appeal / challenge the driving disqualification Yes</p> | ✍ |
| | ✍ |
| | ✍ |
| <p>I don't have any opinion.</p> | ✍ |
| | ✍ |
| <p>The box is too small to write about all violations, so violations can be found from: 1) Penal Code chapter 23, paragraphs 422, 424. In the cases, the court shall impose, in the case of a criminal offence, deprivation of driving privileges for a term of three months to up to three years. https://www.riigiteataja.ee/en/eli/ee/509032021001/consolide/current 2) Traffic Act Chapter 15 paragraphs 221-224, 226, 227, 230, 231, 234-237, 242. https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/513042021009/consolide</p> | ✍ |
| | ✍ |
| <p>The Luxembourg Highway Code contains far too many offences to list them all in detail. The different conditions for recovering points or the right to drive are also very diverse to list in this questionnaire. (various forms of possibilities).</p> | ✍ |
| | ✍ |
| <p>See link - https://www.oesterreich.gv.at/themen/dokumente_und_recht/fuehrerschein/7/Seite.041020.html For alcohol offences from 1,2 Promille onwards a psychological Training is obligatory, for other offences such a Training CAN be demanded by the authority what has to be decided in the single case From 1,6 Promille onwards additionally a medical check with psychological test is obligatory!</p> | ✍ |
| | ✍ |
| | ✍ |

| How many driving disqualifications have your authorities issued to resident drivers and how many to non-resident drivers in 2019? | Report |
|---|-------------------|
| | ↗ |
| | ↗ |
| <p>Portugal: According to the Annual Internal Security Report, 1.4 million highway offenses were committed in 2019. 439,775 were serious offenses and 52,928 were very serious offenses. In 2019, 159,496 drivers were sanctioned with loss of driving license points, 668 lost their license due to accumulation of lost points and 897 drivers were subjected to an instruction for loss of driving license. The data make no distinction between residents and non-residents. Norway: Number of driver's license seizures in Norway in the last three years: Cause202020192018 Speed:733057195543 Drunk driving:39613956 Other:1369251281 Total:12 66099269076</p> | ↗ |
| <p>In 2019 42 485 person banned from driving (40 279 registered in the CZE/2206 not registered in the CZE), according to the Ministry of Transport Statistics.</p> | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| <p>(The following is a continuing answer to the previous question) Obligatory conditions to recuperate the lost right to drive or deducted demerit/penalty points: Driving ban may be imposed if the driver has not submitted a medical opinion, an optician's opinion or a certificate of completion of a new approved driver's examination, a driving test or a driving test within a time limit set by the police. Then the driving licence can be restored if you show that you meet the conditions for a driving licence or have submitted the required document (for example medical certificate), the absence of which has been the basis for the driving ban. The police may also assign driver to obtain new driver's certificate if he or she has repeatedly committed a violation of the provisions of the Road Traffic Act while driving or otherwise, there is reason to suspect that he or she has not retained his or her driving skills. As mentioned earlier, a new driver (who holds licence B or A, former for cars and latter for motor-cycles) is subject to stricter monitoring than other drivers for two years from the time they first obtain a driving licence. In order to prevent drivers' high-risk behavior, returning a driving licence after a driving disqualification requires the driver to undergo additional training. This 'driving disqualification training' deals with high-risk behavior and its effects on road safety. The training includes individual assignments and group discussion. The scope of the training is four hours and it is possible to complete it as e-learning via distance learning. The police will restore the right to drive once the person has completed the training, submitted the certificate of the training to the police and the driving ban has expired. Possibility to appeal / challenge the driving disqualification: When the police has issued a temporary driving ban, the driver may appeal against the ban to the police. The police will issue a decision on the suspension, and it is possible to appeal against this decision to the administrative court. As a rule, the temporary driving ban will continue until the criminal matter has been resolved and the police has issued a driving ban decision. How many driving disqualifications have your authorities issued to resident drivers and how many to non-resident drivers in 2019?: In 2019, the police has issued 71 343 driving disqualifications in total. Approximately 2-3 % of the driving bans were issued to a person held a foreign driving licence or had a permanent address abroad. It is not possible to determine based on these figures how large a percentage of these drivers held a foreign driving licence and had a permanent address abroad. These figures include all driving disqualifications issued and some drivers may have been disqualified from driving several times during this period.</p> | ↗ |
| <p>We have requested information from the Ministry of Justice but unfortunately have not received it yet. When we receive the data, I will transfer it.</p> | ↗ |
| | ↗ |
| <p>PENAS PRIVACIÓN DERECHO A CONDUCIR VEHÍCULOS EN 2019 62088 (FUENTE: INSTITUTO NACIONAL ESTADÍSTICA)</p> | ↗ |
| <p>We don't have any information.</p> | ↗ |
| | ↗ |
| <p>No such breakdown is recorded.</p> | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| <p>Statistics at www.kba.de or www.destatis.de</p> | ↗ |
| <p>Figure not available at this time</p> | ↗ |
| <p>I have no info (at the time)</p> | ↗ |
| | ↗ |
| <p>Resident drivers- approx.36 700 Non-resident drivers cannot be withdrawn or revoked in Sweden only invalidated in Sweden for a certain time.</p> | ↗ |
| | ↗ |
| | ↗ |
| <p>I don't have any opinion.</p> | ↗ |
| | ↗ |
| <p>With the decisions made in misdemeanor cases in 2019, the right to drive was revoked as a main or additional punishment in 1602 proceedings. The majority of decisions containing driving disqualifications were made against Estonian citizens (1282), 149 persons with undetermined citizenship were deprived of the right to drive and 171 citizens of other countries were deprived of the right to drive (most of them were Russian citizens - 96). Unfortunately, we do not have a good overview of the number of driving licenses suspended by the courts.</p> | ↗ |

| How many driving disqualifications have your authorities issued to resident drivers and how many to non-resident drivers in 2019? | Report |
|---|-------------------|
| | ↗ |
| I don't know. | ↗ |
| | ↗ |
| About 35000 for residents (no figures available for non residents) | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| test | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| In 2019, a total of 42 485 members were banned from driving, of which 40279 have registered in the Czech Republic, ie. 2 206 people were without residence in the Czech Republic. These are persons who have proof of the SRM starting in 2019. | ↗ |
| | ↗ |
| | ↗ |
| This question falls into the remits of the Police/Court. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |

Can a person having citizenship in your country or (normal) residence in your country be disqualified from driving due to a road traffic offence committed in another country? If yes, what law is applied (e.g. national, international) and what are the procedures?



N 34

Can a person having citizenship in your country or (normal) residence in your country be disqualified from driving due to a road traffic offence committed in another country? If yes, what law is applied (e.g. national, international) and what are the procedures?

| Can a person having citizenship in your country or (normal) residence in your country be disqualified from driving due to a road traffic offence committed in another country? If yes, what law is applied (e.g. national, international) and what are the procedures? | Report |
|--|-------------------|
| All cases regarding road traffic offenses committed in other countries will be forwarded to the prosecution service. After an assessment, the prosecution service will make a decision whether or not to start a case in Denmark. This is regulated in the Danish Road Traffic Act section 134. Further information about the procedure can be collected if requested. | ✎ |
| If the measure was taken against a romanian citizen by a foreign state on its territory, we cannot apply the measure on the territory of our country if that state is not a signatory to the European Convention on the International Effects of the Prohibition on the Exercise in Brussels on June 3, 1976. | ✎ |
| No | ✎ |
| . | ✎ |
| | ✎ |
| | ✎ |
| Portugal: No, it can't. There is only, in few cases, an exchange of information between foreign and national authorities for the payment of fines resulting from administrative offenses. Offenses committed abroad have no application in the Portuguese legal system. Denmark: No Norway: Yes. The Road traffic act. | ✎ |
| CZ: Yes, but only in frame of cooperation in criminal matters. The applicable law is in the Act on Mutual Legal Assistance in Criminal Law (Act No. 104/2013 Coll, Sec. 323 and later). The competent district court (Okresní soud) recognizes the judicial decision of another country imposing the penalty of disqualification. The national law is directly applicable and such national law transposes the Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions. Such cooperation is not applicable in the frame of cooperation in administrative measures. | ✎ |
| | ✎ |
| | ✎ |
| | ✎ |
| The Driving Licence Act, which defines the grounds for imposing a driving ban, does not apply abroad. However, a driver may be subject to a driving disqualification if s/he is convicted abroad of driving under the influence of alcohol, which is punishable in Finland as well. | ✎ |
| No, that is not possible. | ✎ |
| | ✎ |
| España anota las condenas penales impuestas por tribunales de otros países europeos en aplicación del Sistema ECRIS, esto es, a efectos de antecedentes. | ✎ |
| No. | ✎ |

| Can a person having citizenship in your country or (normal) residence in your country be disqualified from driving due to a road traffic offence committed in another country? If yes, what law is applied (e.g. national, international) and what are the procedures? | Report |
|--|-------------------|
| | ✎ |
| In the event that a Hungarian authority or court prosecutes you for a traffic offence committed abroad. | ✎ |
| | ✎ |
| | ✎ |
| | ✎ |
| No, it is not possible. Only consideration of e.g. alcohol offences abroad in the evaluation of fitness to drive by the administrative authority in Germany. | ✎ |
| Yes – mutual recognition of driving disqualification between Ireland and the UK (part 7 of the Road Traffic Act 2016) | ✎ |
| According to the Bulgarian legislation on the territory of Bulgaria only penalties imposed by the Bulgarian authorities are applied. | ✎ |
| | ✎ |
| Yes, on condition that it is a traffic offence both countries and that the person is a holder of a Swedish drivers licence | ✎ |
| | ✎ |
| | ✎ |
| I don't have any opinion. | ✎ |
| | ✎ |
| There is no such practice. | ✎ |
| | ✎ |
| Yes this is possible. | ✎ |
| | ✎ |
| Yes, if the Austria authority gets the Information about an offence abroad the national Austrian law applies, such as if the offence would have been committed in Austria, so the Licence is withdrawn in Austria for an offence committed abroad | ✎ |
| | ✎ |
| | ✎ |
| | ✎ |
| test | ✎ |
| | ✎ |
| | ✎ |
| | ✎ |
| No. | ✎ |
| | ✎ |
| | ✎ |
| This question falls into the remits of the Police/Court/Public Prosecutor's Office. | ✎ |
| | ✎ |
| | ✎ |
| | ✎ |
| | ✎ |




























Is your country recognising demerit/penalty points imposed on residents of your country by the authorities of other countries due to a road traffic offence committed in that other countries?

above
penalty test
procedure **yes** denmark

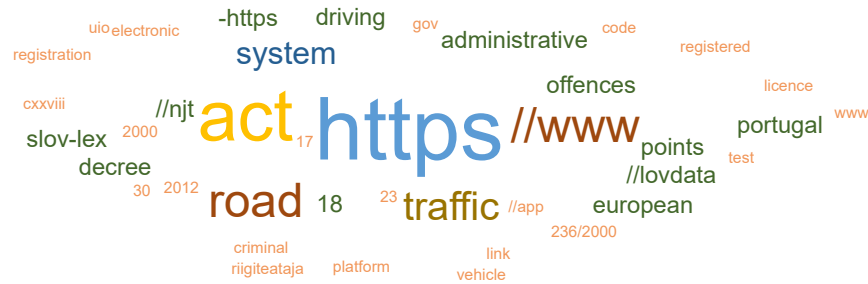
N 34

Is your country recognising demerit/penalty points imposed on residents of your country by the authorities of other countries due to a road traffic offence committed in that other countries?

| Is your country recognising demerit/penalty points imposed on residents of your country by the authorities of other countries due to a road traffic offence committed in that other countries? | Report |
|--|-------------------|
| Demerit/penalty points imposed by authorities of other countries due to a road traffic offenses are not recognized in Denmark. | ↗ |
| No information | ↗ |
| No | ↗ |
| . | ↗ |
| | ↗ |
| | ↗ |
| Portugal: No Denmark: no Norway: Yes | ↗ |
| No. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| See answer to the question above. | ↗ |
| No. | ↗ |
| | ↗ |
| No | ↗ |
| If we also have a penalty point for that violation, we will admit it. | ↗ |
| | ↗ |
| Yes. | ↗ |
| | ↗ |
| | ↗ |
| No | ↗ |

| Is your country recognising demerit/penalty points imposed on residents of your country by the authorities of other countries due to a road traffic offence committed in that other countries? | Report |
|--|---|
| No |  |
| No |  |
| |  |
| N/A (Sweden does not have a demerit penalty point system) |  |
| |  |
| |  |
| I don't have any opinion. |  |
| |  |
| There is no such practice. |  |
| |  |
| No. But there can be an administrative procedure in Luxembourg due to point loss in another country. |  |
| |  |
| No - same procedure as above |  |
| |  |
| |  |
| test |  |
| |  |
| |  |
| |  |
| Yes. |  |
| |  |
| |  |
| No. |  |
| |  |
| |  |
| |  |
| |  |

































Is there any information related to the questions above available on internet? If yes, please provide the links to relevant webpages or legislative acts.



N 24

Is there any information related to the questions above available on internet? If yes, please provide the links to relevant webpages or legislative acts.

| Is there any information related to the questions above available on internet? If yes, please provide the links to relevant webpages or legislative acts. | Report |
|---|--------|
| In the link you will find the Danish Road Traffic Act. https://www.retsinformation.dk/eli/lta/2018/1324 | ✉ |
| Please check out the seperately submitted documentation | ✉ |
| https://www.securite-routiere.gouv.fr/le-permis-points https://www.legifrance.gouv.fr/codes/id/LEGITEXT000006074228/ https://www.service-public.fr/particuliers/vosdroits/F1685 | ✉ |
| . | ✉ |
| | ✉ |
| | ✉ |
| Portugal: The European electronic platform EUCARIS (European Vehicle Information System and Driving License) makes it possible to identify and notify drivers who commit road traffic offences in the Member States of the European Union, with vehicles registered in these countries. In Portugal, it is the responsibility of the Institute of Registries and Notaries (IRN) to manage the electronic platform and database of cars registered in Portugal, which is essential for the cross-border exchange of vehicle data. Norway: https://lovdatab.no/dokument/NL/lov/1965-06-18-4/KAPITTEL_5#§31 https://app.uio.no/ub/ujur/oversatte-lover/data/lov-19650618-004-eng.pdf https://app.uio.no/ub/ujur/oversatte-lover/cgi-bin/sok.cgi?type=LOV See act of 18.6. 1965 no. 4 https://lovdatab.no/dokument/SF/forskrift/1986-03-21-747?q=trafikreglene https://lovdatab.no/dokument/SF/forskrift/2003-12-19-1660?q=tap av førerrett https://www.domstol.no/straffesak/sakstyper/forerkortbeslag/ | ✉ |
| https://www.mdcz.cz/bodovsystem/prestupky https://www.zakonyprolidi.cz/cs/2000-361 (Road Traffic Act) https://www.zakonyprolidi.cz/cs/2016-250 https://www.zakonyprolidi.cz/cs/1961-141 (Code of Criminal Procedure) https://www.zakonyprolidi.cz/cs/2009-40 (Criminal Code) | ✉ |
| | ✉ |
| | ✉ |
| | ✉ |
| https://ajokortti-info.fi/en/perustieto-ajokortista/traffic-offences https://poliisi.fi/en/driving-bans https://www.finlex.fi/fi/laki/ajantasa/2011/20110386 (Driving Licence Act 386/2011, unfortunately only available in Finnish) | ✉ |
| https://wegcode.be/wetteksten/secties/wetten/verkeerswet (available in Dutch "Wet van 16 maart 1968 betreffende de politie over het wegverkeer "Wegverkeerswet" and also in French – see Chapter VI from upon article 38). | ✉ |
| | ✉ |
| https://www.dgt.es/Galerias/seguridad-vial/normativa-legislacion/ley-traffic/normas-basicas/doc/RDL-6_2015.-TR-LSV.pdf https://sede.dgt.gob.es/es/permisos-de-conducir/permiso-por-puntos/mas-informacion.shtml https://www.boe.es/buscar/pdf/1995/BOE-A-1995-25444-consolidado.pdf | ✉ |
| www.police.hu | ✉ |
| | ✉ |

| Is there any information related to the questions above available on internet? If yes, please provide the links to relevant webpages or legislative acts. | Report |
|---|---|
| Act C of 2012 on the Criminal Code § 55; Act II of 2012 on Administrative Offences, Administrative Offences Procedure and the Administrative Offences Registration System, §§ 16, 17; Act I of 1988 on Road Traffic, Section 18(4); Act CXXVIII of 2000 on the Road Traffic Pre-emption Points System § 7, § 8; 236/2000 (XII. 23.) of the Government Decree on the implementation of Act CXXVIII of 2000 on the system of points for road transport; |  |
| |  |
| |  |
| |  |
| www.gesetze-im-internet.de |  |
| https://rsa.ie/RSA/Ceadunaithe/Penalty-points/ |  |
| Road Traffic Act https://lex.bg/laws/ldoc/2134649345 |  |
| |  |
| https://transportstyrelsen.se/sv/vagtrafik/Korkort/forlorat-korkort/aterkallat/ -Swedish only https://www.riksdagen.se/sv/dokument-lagar/dokument/svensk-forfattningssamling/korkortslag-1998488_sfs-1998-488 |  |
| |  |
| |  |
| I don't have any opinion. |  |
| |  |
| Road Traffic Act: https://www.riigiteataja.ee/en/eli/ee/Riigikogu/act/513042021009/consolide Penal Code: https://www.riigiteataja.ee/en/eli/ee/509032021001/consolide/current |  |
| |  |
| http://data.legilux.public.lu/file/eli-etat-leg-code-route-20210426-fr-pdf.pdf https://justice.public.lu/fr/affaires-penales/permis-conduire/retrait-immediat.html |  |
| |  |
| see above! additionally the link to the driving Licence Legislation -Führerscheingesetz relevant is §24 to § 30 and for the recidivist System § 30a and § 30 b https://www.ris.bka.gv.at/GeltendeFassung.wxe?Abfrage=Bundesnormen&Gesetzesnummer=10012723 |  |
| |  |
| |  |
| |  |
| test |  |
| |  |
| |  |
| |  |
| https://www.zakonyprolidi.cz/cs/2000-361 https://www.zakonyprolidi.cz/cs/2016-250 |  |
| |  |
| |  |
| The points applied: Law of 2000/CXXVII. https://njt.hu/jogszabaly/2000-128-00-00.18 and Gov. decree 236/2000 (XII.23.) https://njt.hu/jogszabaly/2000-236-20-22.17 On the registration of restrictions, suspension, cancellation of the right to drive, the withdrawal of the DL and its retrieval : Gov. decree 2011/326 (XII.28.) https://njt.hu/jogszabaly/2011-326-20-22.63 In particular its 32. § - 41/A. § |  |
| |  |
| |  |
| |  |

And lastly, the Convention on Driving Disqualifications of 1998 was only ratified by Bulgaria, Cyprus, Ireland, Romania, Slovakia, Spain, and UK; for this reason it was repealed. If your country is not in the above list, what was the reason for not ratifying the Convention?



And lastly, the Convention on Driving Disqualifications of 1998 was only ratified by Bulgaria, Cyprus, Ireland, Romania, Slovakia, Spain, and UK; for this reason it was repealed. If your country is not in the above list, what was the reason for not ratifying the Convention?

| And lastly, the Convention on Driving Disqualifications of 1998 was only ratified by Bulgaria, Cyprus, Ireland, Romania, Slovakia, Spain, and UK; for this reason it was repealed. If your country is not in the above list, what was the reason for not ratifying the Convention? | Report |
|--|-------------------|
| No information | ✎ |
| No information | ✎ |
| No information | ✎ |
| . | ✎ |
| | ✎ |
| | ✎ |
| No information about this. | ✎ |
| There is no information available. | ✎ |
| | ✎ |
| | ✎ |
| | ✎ |
| Unfortunately, no information on this topic was available. | ✎ |
| We do not know for sure (we can no longer find any documentation on it), but we can guess why that treaty was never ratified: - the treaty would only enter into force if all signatories ratified it, and it must have been clear very quickly that this was unfeasible for many parties. It was therefore soon regarded as a dead letter, a kind of declaration of intent; - the treaty probably soon proved unworkable because it requires extensive data exchange (which is still not possible today); - As with crossborder, the Convention contains a list of offences for which driving would be prohibited in all the countries concerned. But how this was to be done in practice, no one seemed to know. | ✎ |
| | ✎ |
| Spain ratified the Convention. | ✎ |
| I don't have any information. | ✎ |
| | ✎ |
| This is a legislative issue and a competence. The Police is a law enforcement agency. | ✎ |




| And lastly, the Convention on Driving Disqualifications of 1998 was only ratified by Bulgaria, Cyprus, Ireland, Romania, Slovakia, Spain, and UK; for this reason it was repealed. If your country is not in the above list, what was the reason for not ratifying the Convention? | Report |
|--|-------------------|
| | ↗ |
| | ↗ |
| | ↗ |
| According to our information, there were some concerns regarding the implementation: different national regulations and definition regarding driving licence disqualifications, as well as the different national regulations regarding the responsibility of the driver or vehicle owner for traffic offences. | ↗ |
| Ratified | ↗ |
| I'm from Bulgaria | ↗ |
| | ↗ |
| Unknown | ↗ |
| | ↗ |
| | ↗ |
| I don't have any opinion. | ↗ |
| | ↗ |
| Unfortunately, we no longer know these reasons today | ↗ |
| | ↗ |
| I don't know. | ↗ |
| | ↗ |
| too many unclear Questions, how to transpose the national decision to other countries?, complicated Framework, the system itself was complicated. First step must be to lay down a harmonised list of offences which can be have Impact in other countries! Such a list is difficult (impossible) to decide on, because of too many different Systems in the MS! | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| test | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| We don't know. | ↗ |
| | ↗ |
| | ↗ |
| This question might be answered by other departments of the Ministry. | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |
| | ↗ |

Thank you for finalising all the questions of this survey! If you have any feedback or remaining comments, please use the space below:

comments response

N 3

Thank you for finalising all the questions of this survey! If you have any feedback or remaining comments, please use the space below:

| Thank you for finalising all the questions of this survey! If you have any feedback or remaining comments, please use the space below: | Report |
|--|---|
| Response provided to question 8 is uncomplete due the limitation of characters. If you wish to receive the response please contact: jmorales@fia.com |  |
| Finland thanks for the opportunity to contribute to the revision of the CBE Directive. There are no other comments. |  |
| I don't have any remaining comments. |  |

N 3

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Annex VIII – Feedback IIA

The Inception Impact Assessment (IIA) for the possible revision of the CBE Directive was uploaded on the Commission website on 15 March 2019. Stakeholders had the possibility to provide feedback on the IIA during the consultation period, that ran from 15 March 2019 until 12 April 2019.

During the consultation period, 16 stakeholders provided feedback:

1. European Automobile Clubs (EAC)
2. EUROCITIES
3. City of Antwerp
4. L'Association des Ingénieurs Territoriaux de France (AITF)
5. Vereniging van Nederlandse Gemeenten (VNG)
6. Joint statement of Groupement des Autorités Responsables de Transport (GART), Association des Ingénieurs Territoriaux de France (AITF) and Fédération Nationale des Métiers du Stationnement (FNMS)
7. NORPARK
8. BMVI
9. POLIS
10. Union Internationale des Chauffeurs Routiers UICR
11. FIA (Region I)
12. ÖAMTC
13. Four feedbacks that are provided anonymous

The feedbacks were reflected in the Draft Final Report, and are included in the remainder of this Annex.



Law

Feedback from: European Automobile Clubs

Feedback reference

F462135

Submitted on

12 April 2019

Submitted by

Garunya Wieczorek

User type

Consumer organisation

Organisation

European Automobile Clubs

Organisation size

Micro (1 to 9 employees)

Transparency register number

39808276184-09 (<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=39808276184-09&locale=en>)

Country of origin

Belgium

Initiative

[Cross-border enforcement of road traffic rules \(/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en\)](#)

EAC comprising currently six member clubs from Austria, Germany, Slovakia as well as Bosnia and Herzegovina representing above 2.5 million road users endorses the European Commission's initiative to revise the current Cross-Border Enforcement Directive aiming at improving its effectiveness and efficiency. We appreciate the opportunity to provide our feedback on this endeavour and to accompany the policy-making process with our first-hand insights offered from a consumer perspective, needless to say, mainly car drivers.

Since its inception EAC has been advocating for effective harmonisation of core traffic rules and regulations across Europe enhancing road safety and sustainable mobility. In order to avoid a patchwork of bilateral arrangements lacking transparency and fostering fragmentation common rules and regulations are desirable, all the more in facilitating cross-border exchange of information on road-safety-related traffic offences.

In particular, we wish to highlight following aspects (non-exhaustive list):

Access to Relevant Information

There is a need for improvement as concerns the easy access to road safety traffic rules in force in different Member States (recital 6), in particular regarding traffic offenses and their corresponding (financial) penalties. It should be guaranteed that information letters (Art. 5) are written in a clear and comprehensible manner, i. e. the necessary level of linguistic quality (translation errors...) is required, providing sufficient time to reply. Fundamental rights such as the right to an effective remedy and a fair trial must be warranted at all times.

Data Protection

Car owner's as well as car driver's personal data have to be processed abiding duly by the principles of the GDPR, ePrivacy Directive as well as the Directive on the processing of personal data by public authorities in criminal offenses, ensuring their traceability at all times in a simple and transparent manner.

Scope of the Directive / Standardisation of Road Safety Rules

The European Commission should consider including a provision in view of further standardising road safety rules which will simplify the cross-border enforcement thereof. The set example would be harmonised regulations on high-visibility vests. For more details, see EAC's position paper on this: Maximum Protection at Low Cost - EAC demands harmonised regulations on high-visibility vests (attached). Likewise, we consider rules on warning triangles, rescue lanes, freeways, ghost drivers, dangerous parking and more pertinent and

necessary.

Coherence with Existing Legislation

The revised CBE should be in align with relevant existing legislation such as the EETS and MID.

Feedback from: European Automobile Clubs

(205.6 KB - PDF - 1 page)

Download  

Report an issue with this feedback [./\(/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462135/report_en\)](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462135/report_en)

All feedback

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European Automobile Clubs

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info@eac-web.eu
www.eac-web.eu

Maximum Protection at Low Cost - EAC demands harmonised regulations on high-visibility vests

Reflective high-visibility vests effectively contribute to road safety in accidents and breakdowns. This has been impressively shown in Austria, where wearing high-visibility vests has been compulsory in such cases since 2005. The accident figures on Austria's motorways and dual carriageways have dropped significantly. The official statistics show accidents falling by 39% and numbers of casualties by 53%.

The Austrian EPIGUS Institute for Holistic Accident and Safety Research recently proved in a specially designed eye tracking analysis that high-visibility vests contribute to improved safety. Persons wearing a high-visibility vest can be detected by other road-users within 4 seconds whereas, even at daylight, for the oncoming traffic, persons without a high-visibility vest are hardly visible. Thus, wearing a high-visibility vest effectively prolongs the reaction time that might prevent an accident and therefore can save lives.

At present, 13 out of 27 EU countries require high-visibility vests to be worn as a safety measure: Austria, Belgium, Bulgaria, Finland, France, Hungary, Italy, Luxemburg, Portugal, Rumania, Spain, Slovakia, and Slovenia. However, the regulations on the use of the vests vary substantially in these countries. For example, while only the driver has to wear a high-visibility vest in some countries, in others all passengers have to;

in some countries, the vests have to be stored in the front of the car, while in others they must be transported in the boot, etc. Moreover, 14 EU Member States have no clear regulations on the use of these vests.

One of the most important acquisitions of the European Union is free cross-border mobility. At a time of open borders, however, individual solutions on high-visibility vests do not make sense. They confuse road-users and lead to unintentional traffic violations that not only entail legal consequences but also endanger road safety.

The EU committed to significantly reduce the number of fatal road accidents and casualties. A European regulation on high-visibility vests would be a simple and cost-effective step in the right direction.

To support road safety, the EAC is calling for a EU-wide unified policy on the use of high-visibility vests. Our objectives are:

- unified compulsory regulations on carrying and wearing high-visibility vests for all car drivers across Europe,
- unified regulations on wearing high-visibility vests on all roads, at least for motorways and dual carriageways,
- regulations on wearing high-visibility vests for the driver and all passengers.

EAC is a signatory of





Law

Feedback from: EUROCITIES

Feedback reference

F462133

Submitted on

12 April 2019

Submitted by

Thomas Willson

User type

Other

Organisation

EUROCITIES

Organisation size

Medium (50 to 249 employees)

Transparency register number12493392840-79 (<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=12493392840-79&locale=en>).**Country of origin**

Belgium

Initiative[Cross-border enforcement of road traffic rules \(/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en\)](#)

EUROCITIES is the political platform for major European cities. We network the local governments of over 140 of Europe's largest cities and more than 40 partner cities that between them govern some 130 million citizens across 39 countries.

EUROCITIES welcomes the Commission's Inception Impact Assessment on the Cross-Border Enforcement (CBE) Directive, which city authorities consider to be an important element to address road safety in the EU.

The report from the Commission to the European Parliament and the Council on the application of the CBE Directive makes clear there is potential for improvement in effectiveness. Local authorities report difficulties in enforcing against non-residents for serious traffic offences under the current EU legal framework and EUROCITIES therefore supports measures that act to improve the investigation to enforce financial penalties and to address mutual recognition procedures.

In addition, the revised European Electronic Tolling Service (EETS) Directive now provides for the possibility to cross-border enforce against drivers that fail to pay a road fee in urban vehicle access regulations (UVARs). Notably this includes only those UVARs that are enforced electronically and require payment of a 'fee', rather than a 'fine' for noncompliance. In addition, Art. 9 of the EETS Directive requires the Commission to produce a report on the extension of the provisions to 'low emission zones, restricted access zones of other vehicle access regulation schemes'. To ensure coherence between the EETS Directive and the CBE Directive, EUROCITIES would encourage the expansion of scope to provide for the opportunity to include all UVARs in which there was a failure to pay non-electronically by non-residents. This should not challenge internal legal coherence, as both the EETS Directive and CBE Directive are adopted under Art. 91 of the TFEU.

This extension of scope should be coupled with the provision of access for local authorities to Member State vehicle registers, or obligations for the competent national bodies to consider requests from local authorities, to permit an increase in effectiveness on the cross-border enforcement.

[Report an issue with this feedback \(/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462133/report_en\)](#)

[All feedback](#)

23-8-2021

Feedback from: EUROCITIES

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Law

Feedback from: City of Antwerp

Feedback reference

F462132

Submitted on

12 April 2019

Submitted by

Filip Lenders

User type

Public authority

Organisation

City of Antwerp

Organisation size

Large (250 or more)

Scope

Local

Country of origin

Belgium

Initiative

[Cross-border enforcement of road traffic rules \(\[//info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en\]\(https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en\)\)](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en)

The City of Antwerp appreciates the initiative of the European Commission to improve the procedures for fining violations under the Cross-Border Enforcement (CBE) directive. The fair and equal treatment of offenders is crucial to make an enforcement system credible. Proper enforcement procedures need to be set in place to ensure traffic violations from offenders abroad are recorded and litigated to guarantee such fair treatment. This will improve compliance and the effectiveness of traffic measures.

Within the city centre of Antwerp a low emission zone (LEZ) has been put in place since February 2017. This type of urban vehicle access regulation (UVAR) restricts the access to our city of older, more polluting vehicles. This measure is taken to ensure the compliance of the Antwerp agglomeration to the requirements of Directive 2008/50/EG on air quality.

To check compliance, information from the vehicles themselves, such as fuel type, vehicle category and emission class (Euronorm), is required. For vehicles from Belgium and the Netherlands, this information is available through the national vehicle registrations. This is not the case for vehicles from other EU countries. Therefore these vehicles need to be registered by the owner/driver when entering the LEZ. A recurring problem is the risk foreign vehicles run to be fined because of not having registered in advance, although the vehicle technically spoken meets the access criteria. This administrative burden for the vehicle owner/driver and city administration can be avoided when the exchange of vehicle characteristics with foreign vehicle databases to check compliance of the vehicle to the LEZ-criteria is made possible. The scope of the CBE-directive should enable the exchange of vehicle characteristics for the purpose of defining whether a vehicle is compliant or not (in this phase no exchange of personal data is needed).

In case of non-compliance, the ability to impose an administrative fine should be made possible by giving the UVAR authority access to the personal data of the offender. The same for parking enforcement where personal data of offenders needs to be made available.

This need is confirmed in a study by the European Commission (Final Report Study on Urban Vehicle Access Regulations, April 2017) on UVARs: "The treatment of foreign vehicles in the case of automatic enforcement may be problematic, due to the lack of relevant information, such as emission standards, in the national database. Making enforcement effective is fundamental for both scheme managers and users, as weak / ineffective enforcement will lead to the failure or even the "best conceived" scheme".

The revised European Electronic Toll Service Directive is not helpful to meet the need of local access regulations such as an LEZ. Only UVARs and LEZs for which a charge must be paid in advance are covered by the EETS Directive. UVARs and LEZs with administrative fines are out of scope and can only be in scope after a future evaluation of the revised EETS Directive. According to Antwerp, this procedure takes too long. A revision of the CBE directive can lead to faster results.

Specifically, the City of Antwerp advocates:

1. Extension of the scope of the cross-border enforcement directive to UVARs and LEZs.
2. Access to the vehicle registrations of other countries via the national contact points to check compliance based on vehicle characteristics without the need for vehicle owners to register their vehicle for UVAR and LEZ-schemes.
3. In case of non-compliance, for both UVAR, LEZ and parking restrictions, access to the personal data of offenders in order to impose a fine.

Report an issue with this feedback [./\(info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462132/report_en\)](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462132/report_en).

All feedback

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Law

Feedback from: AITF

Feedback reference

F462130

Submitted on

12 April 2019

Submitted by

Association des Ingénieurs Territoriaux de France AITF

User type

Other

Organisation

AITF

Organisation size

Large (250 or more)

Country of origin

France

Initiative

Cross-border enforcement of road traffic rules (/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en).

L'Association des Ingénieurs Territoriaux de France (AITF), qui regroupe 4500 ingénieurs de collectivités françaises, considère que les infractions relatives au stationnement gênant et très gênant, notamment parce qu'elles impactent la mobilité des usagers les plus fragiles (piétons, cyclistes, personnes handicapées...), relèvent de problématiques récurrentes et constituent une infraction importante en matière de sécurité routière.

L'AITF souhaite donc que la modification de la directive européenne intègre ces catégories d'infraction dans son champ de réflexion.

Report an issue with this feedback (/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462130/report_en).

[All feedback](#)

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Law

Feedback from: Anonymous

Feedback reference

F462129

Submitted on

12 April 2019

Initiative

Cross-border enforcement of road traffic rules ([/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en)).

The Association of Netherlands Municipalities (VNG) welcomes the initiative of the European Commission to review the cross-border enforcement (CBE) directive. A proper enforcement of road safety related offences is necessary to achieve better compliance. VNG supports the aim of the review to improve the procedures. Good access to the vehicle registration systems and mutual assistance procedures are important.

The inception impact assessment states that the aim of the review is not to extend the scope of the directive to other purposes not related to road safety. VNG regrets this because the procedures of the CBE directive (including good access to the vehicle registration systems) are equally important for compliance for other (EU) policy purposes.

An important EU example can be found in the climate and energy policy and the contribution of mobility to this policy, but also in internal market policy. Municipalities in the Netherlands are developing plans for low emission zones (LEZ), urban vehicle access regulations (UVAR) and parking, that for compliance all depend on proper identification of vehicle registration data.

Report an issue with this feedback ([/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462129/report_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462129/report_en)).

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Law

Feedback from: GART AITF FNMS

Feedback reference

F462128

Submitted on

12 April 2019

Submitted by

GART AITF FNMS Parking

User type

Other

Organisation

GART AITF FNMS

Organisation size

Small (10 to 49 employees)

Country of origin

France

Initiative

[Cross-border enforcement of road traffic rules \(\[/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en\]\(https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en\)\)](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en)

Mise en œuvre le 1er janvier 2018, la réforme du stationnement payant sur voirie, ainsi décentralisé et dépenalisé, a donné aux collectivités de nouveaux outils au service de leurs politiques de mobilité et de stationnement, qui visent à une diminution du trafic automobile et par conséquent une amélioration de la sécurité routière. Des réformes de décentralisation et de dépenalisation du stationnement sur voirie avaient d'ores et déjà été introduites dans plusieurs États-membres.

Cette réforme se traduit notamment par le fait que l'absence ou l'insuffisance de paiement du stationnement n'est plus assimilable à une infraction (dépenalisation). Nous parlons désormais de forfait de post-stationnement (FPS), qui permet à l'utilisateur de ne payer sa redevance qu'à l'issue de son stationnement, sur une base forfaitaire, dont le montant est fixé librement par chaque ville concernée (décentralisation).

Contrairement à la contravention de 1ère classe, l'Agence Nationale du Traitement Automatisé des Infractions (ANTAI), chargée de l'envoi postal de l'avis de paiement du forfait de post-stationnement et le cas échéant du titre exécutoire en cas d'absence de paiement du forfait de post-stationnement dans un délai de 3 mois, ne peut, faute de cadre juridique européen ou bilatéral entre deux États, France - Suisse par exemple, adresser le FPS au titulaire non français du certificat d'immatriculation. En conséquence, et depuis le 1er janvier 2018, l'ANTAI ne traite pas les forfaits de post-stationnement concernant des véhicules étrangers faute de pouvoir en obtenir le recouvrement hors des frontières françaises.

Cette impossibilité induit en conséquence une inégalité entre les titulaires français et non français des certificats d'immatriculation devant l'obligation d'acquitter leur redevance de stationnement sur voirie.

Elle pénalise en outre les collectivités, et en particulier les communes frontalières ou ayant une forte activité touristique pour lesquelles une part significative des automobilistes peut ne pas s'acquitter de la redevance de stationnement, dans un sentiment d'impunité totale mettant à mal la crédibilité de la politique de stationnement.

Ces collectivités sont de plus privées des effets d'ores et déjà constatés de la réforme sur la qualité de vie en ville et la mobilité durable. Le montant des FPS annulés représente par ailleurs un manque à gagner considérable pour ces collectivités.

Enfin, cette impossibilité, que le champ contraventionnel offrait pourtant, prive les collectivités et les forces de police des moyens nécessaires à la surveillance et au contrôle des véhicules stationnés sur voirie en termes de sécurité routière ou de sécurité nationale.

Pour illustrer cette situation pénalisante pour les collectivités, il convient de souligner que :

- entre 1 et 2 % des contrôles du stationnement dans des collectivités non frontalières concernent des véhicules non français
- près de 50 % des contrôles du stationnement dans des collectivités frontalières concernent des véhicules non français ;
- à Annemasse par exemple, près de 14 % des FPS établis concernent des véhicules immatriculés en Suisse

- certaines collectivités, découragées par l'absence de transmission transfrontalière, arrêtent d'émettre des FPS à l'égard de véhicules porteurs de plaques étrangères, accentuant encore le phénomène.

En conséquence, les associations Groupement des Autorités Responsables de Transport (GART), Association des Ingénieurs Territoriaux de France (AITF) et Fédération Nationale des Métiers du Stationnement (FNMS) appellent de leurs vœux l'instauration d'un régime juridique européen, introduit dans le projet de révision de la Directive Cross Border, qui permettrait aux collectivités de procéder au recouvrement du forfait de post-stationnement dans les différents pays de l'Union européenne à l'instar des pratiques d'ores et déjà constatées dans d'autres pays.

Report an issue with this feedback [./\(info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462128/report_en\)](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462128/report_en).

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Law

Feedback from: NORPARK

Feedback reference

F462127

Submitted on

12 April 2019

Submitted by

Finn Albert Aurbakken

User type

Company/business organisation

Organisation

NORPARK

Organisation size

Micro (1 to 9 employees)

Country of origin

Norway

Initiative

[Cross-border enforcement of road traffic rules \(/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en\)](#)

NORPARK, the Norwegian Parking Association, whose members are primarily composed of local governments (municipalities) that oversee and enforce public parking regulation, and private companies that oversee and enforce private parking regulation in accordance with national acts/regulations, echo the sentiment expressed by POLIS (Belgium). We are also convinced that this is a good initiative, but believe that that the scope of the revision would be better off if it were to be widened to include parking offenses. Cross-border enforcement against such offenses is cumbersome and not cost-efficient for neither the motorist nor the authority, and we believe both motorists and authorities would benefit if such procedures were simplified through EU legislative.

[Report an issue with this feedback \(/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462127/report_en\)](#)

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Law

Feedback from: BMVI

Feedback reference

F462125

Submitted on

12 April 2019

Submitted by

Referat BMVI

User type

Public authority

Organisation

BMVI

Organisation size

Large (250 or more)

Scope

National

Country of origin

Germany

Initiative

Cross-border enforcement of road traffic rules ([//info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en)).

Directorate-General for Mobility and Transport

Directorate C

C.2 – Road Safety

Initiative: Cross-border enforcement of road traffic rules.

Dear Sir or Madam,

please find attached the opinion on the Inception Impact Assessment (Road Map) for the revision of Directive (EU) 2015/413. This is the Feedback on the problems the initiative aims to tackle.

Kind regards,

im Auftrag
Jörg Nentwich

Federal Ministry of Transport and Digital Infrastructure

Unit StV 21

Invalidenstraße 44

10115 Berlin

E-Mail: Ref-StV21@bmv.bund.de

Feedback from: BMVI

(88.8 KB - PDF - 4 pages)

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Stand: 12.04.2019

Stellungnahme der Bundesrepublik Deutschland zum Anhörungsverfahren der Europäischen Kommission zur Weiterentwicklung der Richtlinie 'E# \$ % & () * ' +

, initiative - cross-border enforcement of road traffic rules

Feedback on the problems the initiative aims to tackle

' \$, nadequate investigation to enforce financial penalties

Issues with vehicle detection:

Die hier beschriebene Situation lässt sich durch eine qualitativ hochwertige technische Ausstattung vermeiden. Dies ist eine Aufgabe, die jede einzelne Mitgliedstaat überwachen sollte und sollte. In der durch das Euro, recht adressierendes - roble wird darin nicht gesehen. Insoweit wird auf die im Schreiben vom 12.04.2019 an die Euro, äische Kommission gerichtete Stellungnahme verwiesen. Darin wird der Ausdruck gebracht, dass Deutschland erhebliche Probleme sieht, insbesondere die Subsidiarität, soweit es um die Alterhaltung, die Harmonisierung von Erhaltungsregeln und Sanktionen geht. In der 2. Bearbeitung der Richtlinie 2014/41. 5+6 "die dies der Gegenstand hätte" wird von hier aus nicht unterstellt.

Issues with vehicle registers:

Unter diese - un' t werden nicht verfügbare oder unzureichende oder unvollständige Daten in den Fahrzeugregistern angesprochen. Deutschland ist bestrebt, dass die Fahrzeugdaten in den bei der Fahrt und das zentrale Fahrzeugregister aussagekräftig und aktuell sind. Die Register der Mitgliedstaaten sind über die A3 IS auch miteinander vernetzt, dass in alle der Zulassung eines Fahrzeuges in einem Mitgliedstaat zugelassenen Fahrzeuges in einem anderen Mitgliedstaat der bisherige Staat der Zulassung eine Information erhält. Die Daten über die Zulassung und Abmeldung werden kontinuierlich fortgeschrieben, so dass die jeweilige Altereigenschaft zu einer bestimmten Zeit, un' t festgestellt werden kann.

Deutschland unterstellt ungeachtet dessen aber alle (eignungen, die zu einer Fortentwicklung und weiteren Verbesserung des A3 IS beitragen. Die Details sollten zwischen den Mitgliedern von A3 IS geklärt werden.

In Deutschland hat sich das; (+9 & er Jahren werden als etabliert. Es läuft in der - ra>is weitestgehend reibungslos. Seit 2014 hat sich die Anzahl der; (+9 Suchanfragen deutscher (eh) rden über das A3 IS an das Ausland fast vervierfacht (2014: @ 4.114 A201 @ 1.9 @ .B4. A201 / : 2. @ / .14. C Auch bei den an das Ausland erteilten; (+9 Aus' n! ten ist die * ahl gestiegen (2014: 1.144.41 / A201 @ 1. / . .B44" 201 / : 2.144.B12C

Information on the offence" including evidence" not , rovided or delivered:

Das in der Darstellung aufgezeigte - roble der Identifizierung der Fahrer eines Verkehrsverpflichteten - erson wird aus deutscher Sicht bestätigt. Es ist aus Sicherheitsgründen wünschenswert, wenn die Sanktion einen Fahrer, der einen Verkehrsunfall verursacht hat, der die Unwiderhandlung auch begangen hat, also der Fahrer. In Deutschland ist die Fahrerhaltung, wie der Euro, äischen Kommission bekannt, ist geltendes Recht. Aus deutscher Sicht wird die Verantwortlichkeit i.S.d. Richtlinie ausschließlich als

8ahrerverantwortlich' eit verstanden. Die %ber ittelten 1 alterdaten d%ren nach Au!!assung Deutschlands da it ausschlieDich \$ur 8ahrerer ittlung verwendet werden ?vgl.
- roto' oller' l4rung Deutschlands vo 0. .10.2014C+s w4re vor diese 1 intergrund w%nschenswert" wenn die *usa enarbeit \$wischen den : itgliedstaaten so ausgestaltet werden w%rde" dass die (eh) rden des Staates" in de ein 8ahr\$eug \$ugelassen ist" it de in eine anderen : itgliedstaat ein &er' ehrsverstoD begangen worden ist" da\$u beitragen" anhand der (eweis ittel ?wie eines 8ront!otosCden 8ahrer ?und nicht nur den 1 alterCdes 8ahr\$eugs \$u er itteln. +ine 1 alterhaltung ist aus Sicht Deutschlands nicht realisierbar.

7 runds4tlich bestehen da!%r auch bereits euro, arechtliche 7 rundlagen: 7 erade wenn das verwaltungsrechtlich ge, r4gte &orgehen nach der ; (+9 ichtlinie nicht weiter!%hrt und !%r die Ahndung au! die 3 echtshil!e in Frdnungswidrig' eiten9b\$w. Stra!sachen u geschwen' t wird" ist die Anwendung der insoweit einschl4gigen Instru ente und &er!ahrensstandards entscheidend" hier: die +uro, 4ische +r ittlungsanordnung ?++AC93 ichtlinie 20145415+6 . : it der 3 ichtlinie +uro, 4ische +r ittlungsanordnung ist au! +6 9+ bene ein u !assendes Instru ent !%r die (eweiserhebung in Stra!sachen einschlieDich von Frdnungswidrig' eiten gesch4!en worden.

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Die Ausgestaltung eines &er!ahrens" das !%r die #enigen +6 9: itgliedstaaten" die darau! angewiesen sind" die &erantwortlich' eit des 8ahrers ?und nicht nur des 1 altersC!est\$stellen" die 8ahrerer ittlung gren\$%berschreitend er) gliehen w%rde" w%rde indessen begr%Dt.

%, nade1 uate recognition of decisions on financial penalties

6 nsuited +6 utual recognition , rocedures:

In der Darstellung wird die Aussage getro!!en" dass die in der +6 e>stierenden &er!ahren der gegenseitigen Aner' ennung \$wischen den : itgliedstaaten in &erwaltungs9 und gerichtlichen +ntscheidungen !%r schwere Stra!taten ' on\$!, iert und nicht au! die Situation \$ugeschnitten sei" in der : illionen von 7 eldstra!en !%r auto atisch au!gedec' te StraDenver' ehrsdeli' te ?in der 3 egiel gering!%gige &erwaltungsdeli' teCverh4ngt werden %ssen. Dieser Au!!assung wird widers, rochen.

: it de 3 ah enbeschluss 7 eldsan' tionen ?200452145Q AC besteht auch hinsichtlich der &ollstrec' ung von Frdnungswidrig' eiten i 7 rundsat\$ ein odernes" " lares" einheitliches +6 9weites 3 egi e. 7 erade auch bei StraDenver' ehrsverst) Den ' o t dieser 3 ah enbeschluss er!olgreich in einer groDen &iel\$ahl von 84llen seit G4hren \$ur Anwendung. Die Digitalisierung ist hierbei auch eine 8rage" der bereits nachgegangen wird. 8erner gibt es durchaus \$entrale Ans, rech, artnen" etwa in Deutschland das (undesa t !%r Custi\$ als \$entrale (eh) rde.

2. bersetzungskosten und der &erbleib von +r) sen i &ollstrec' ungsstaat sind 8ragen" die unabhängig von der stra!9' ordnungswidrig' eits9 oder verwaltungsrechtlichen Ausgestaltung bestehen.

Deutschland set\$ sich !%r eine ' onsequente Anwendung des 3 ah enbeschlusses 7 eldsan' tionen ?2004\$2145G ACin allen : itgliedsstaaten ein und , ra' ti\$iert dies auch selbst. I n Jahr 201/ allein wurden %ber 10.000 +rsuchen von Deutschland an andere +6 9 Staaten %ber ittelt und ebenso viele +rsuchen aus anderen +6 9 Staaten e , !angen. Diesen insgesamt %ber 20.000 +rsuchen lagen \$u weit %berwiegenden Keil &er' ehrsverst) De \$u 7 runde. Die &ollstrec' ungsquote von +rsuchen nach de 3 ah enbeschluss 7 eldsan' tionen lag \$ulet\$ bei %ber 40 - ro\$ent sowohl bei eingehenden und ausgehenden deutschen +rsuchen.

Different levels of fundamental rights protection:

In der Darstellung wird die unterschiedliche Intensität des 7 rundrechtsschut\$es in den : itgliedstaaten anges, rochen. 8%r das Stra!recht einschlieDich des Frdnungswidrig' eitenrechts e>istieren it de 3 ah enbeschluss 7 eldsan' tionen" der +uro, äischen +r ittlungsanordnung\$ ichtlinie und de +6 9 echtshil!e2 berein' o en sachgerechte und ausreichende 3 egelungen" die de 7 rundrechtsschut\$ des *ustellungse , !ängers einer 6 r' unde dienlich sind. So besti t Art. 4 Absat\$. des +6 9 3 echtshil!e2 berein' o ens" dass bei Anhalts, un' ten da!%r" dass der *ustellungse , !änger der S, rache" in der die 6 r' unde abge!asst ist" un' undig ist" \$u indet der wesentliche Inhalt der 6 r' unde in die S, rache des : itgliedstaats" in dessen 1 oheitsgebiet der + , !änger sich au!hält" \$u %berset\$en ist.

EU law issues

3 e, orting requirements:

In der Darstellung wird be' lagt" dass die bisherigen (erichte' eine (eurteilung dahingehend erlauben" ob die 3 ichtlinie Auswir' ungen au! die &er' ehrssicherheit hatte. Das liegt nach hiesiger +inschät\$ung #edoch nicht an der Ausgestaltung der (erichte" sondern an der Schwierig' eit" dass die Auswir' ungen singulärer : aDnah en au! die &er' ehrssicherheit nicht essbar sind. (ei der &er!olgung von &er' ehrsverst) Den handelt es sich u eine : aDnah e unter \$ahlreichen national und international ergri!!enen weiteren : aDnah en in den (ereichen der In!rastru' tur" der a' tiven und , assiven 8ahr\$eugsicherheit sowie der +inwir' ung au! die &er' ehrsteilneh er. +s ist nicht \$u erwarten" dass ein dire' ter *usa enhang \$wischen de +6 9 weiten 1 alterdatenaustausch und der +ntwic' lung der &er' ehrssicherheit nachgewiesen werden ' ann" auch wenn au!grund allge einer +!ahrungen und +r' enntnisse Deutschland eben!alls davon ausgeht" das eine *usa enarbeit der +6 9 : itgliedstaaten i (ereich der &er!olgung von &er' ehrsverst) Den \$u einer &erbesserung des &er' ehrsverhaltens und der &er' ehrssicherheit beiträgt. Daran w%rden auch erweiterte (erichts!an!ordnungen nichts ändern.

Scope:

Aus deutscher Sicht sollte der Anwendungsbereich au! &erst) De erweitert werden" die in eine auto atisierten 2 berwachungsver!ahren au!ge\$eichnet werden ')nnen. Denn E anders als bei *uwiderhandlungen" die bei 0 ontrollen dete' tiert werden" die it de Anhalten des 8ahrers einhergehen und bei denen der 1 alter und der 8ahrer des 8ahr\$euges ohne L eiteres !estgestellt werden ')nnen E bedarf! es bei diesen &er!ahren stets der : itwir' ung der 3 egisterbeh rden" u den 8ahr\$eughalter \$u er itteln und dessen : itwir' ung sowie der : itwir' ung weiterer (eh) rden "u den 8ahr\$eug!hrer \$u er itteln. Aus diese 7 rund sollte die ; (+9 ichtlinie u Abstandsdeli' te ?I not ' ee, ing a su!licient distance !ro the

vehicle in front and dangerous overtaking" bei denen die Situation identisch ist den 7 Geschwindigkeit überverstärkt werden. In Betracht der Ausdehnung der Regelungen auch auf gefährliches Verhalten insbesondere vor Rettungsdiensten, Feuerwehr, Schwerbehinderten, ärztlichen, lässigen dangerous, ar violations während einer einfachen und - ar verstärkt werden oder die Verletzung von : autonen ein 3 auf eine (er) sichtigung in der 3 ichtlinie gesehen wird" da es sich hier nicht um verkehrssicherheitsrelevanten Delikt handelt.

Personal data, protection:

hier eine Anmerkung.

2 Objectives

1 Cooperation mutual assistance, procedures between : eber States in investigation to enforce financial , penalties for road traffic offences

*iel sollte es nicht nur sein" die Erfahrungen der *usa enarbeit bei der Durchsetzung von 7 Feldern zu vereinbaren" sondern ein Erfahrungsaustausch stellen" das eine *usa enarbeit in der Auferlegung von Sanktionen (er) versichert. *iel muss ein *usa enwirken der (er) rden sein" bei der die (er) rde des Wohnsitzstaates des 1 Alters oder des 8ahners daran (er) tigen (er) weis mittel zu beschaffen" die die (er) rde des Katastrals (er) die Auferlegung der Sanktionen tigt. Fühne eine solche *usa enarbeit (er) rt selbst die 1 alterer ittlung in : illionen von 8ällen dass (er) versichert werden der ausländischen (er) rsteilnehmer nicht geahndet werden)nnen. (ei einer solchen *usa enarbeit wäre es auch besser)glich" die 3 echte der (er) rten noch besser i , ratischen Erfahrungen zu schätzen" weil die Wohnortbehörden (er) rten.

4 Policy options

Aus deutscher Sicht sollten sich die : adnahmen auf die tatsächliche Verbesserung der *usa enarbeit der (er) rden bei der Anwendung der bereits bestehenden Vorschriften konzentrieren. Hinsichtlich des *iels der 0 o mission die 3 echtshilfserfahren zu verschaffen" sollte darauf hingewirkt werden" dass durch diesen - rosess nicht bereits bestehende" unktionierende und it erheblichen Investitionen verbundene Schritte in einzelnen : itgliedstaaten in Frage gestellt werden sollten. Die weitere 6 nterstützung einer verstärkten Schritte gestärkten *usa enarbeit wird aber grundsätzlich (er) sinnvoll erachtet.

Sofern eine 3 echtsetzung erwogen wird" sollte sich diese auf die gegenseitige 6 nterstützung der (er) rden bei rittlungen konzentrieren. Hungen" die eine (er) rtenhaftigkeit des 1 Alters anstelle des eigentlich verantwortlichen 8ahners zu Gegenstand haben" werden aus deutscher Sicht abgelehnt. +s sollten insbesondere auch eine neuen 3 echtshilfeinstruktionen angestrebt werden" die dann , arallel zu den bereits (er) stehenden nur (er) versichert werden anwendbar sind.

Der Anwendungsbereich der 3 ichtlinie Artikel 2C sollte auf Abstandsdelikte (er) notwendig ausreicht distance from the vehicle in front and dangerous overtaking" und gefährliches Verhalten (er) nnte auf der gefährliches Verhalten dangerous, ar violations erweitert werden.

+s wäre hilfreich" Geburtsort und 7 schlecht als obligatorisch zu beauftragende Daten in den Auswärtigen Angelegenheiten u bessere rittlung)glich eiten zu bieten.



Law

Feedback from: POLIS

Feedback reference

F462118

Submitted on

12 April 2019

Submitted by

Luana BIDASCA

User type

Other

Organisation

POLIS

Organisation size

Small (10 to 49 employees)

Transparency register number27284005223-47 (<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=27284005223-47&locale=en>)**Country of origin**

Belgium

InitiativeCross-border enforcement of road traffic rules ([//info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en](http://info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en))

Polis, the network of cities and regions for transport innovation, welcomes the revision of the Cross-Border Enforcement Directive. We are convinced that fair and efficient enforcement of traffic penalties is crucial to save lives and to create opportunity for a more sustainable modal choice and use of vehicles.

We regret that the consultation document intentionally states that 'this initiative will primarily focus on improving effectiveness and efficiency of the Directive under the current scope'. This approach contradicts and hampers the purpose of the revision, namely an efficient and effective enforcement of foreign vehicles.

The a-priori exclusion of the extension of the scope cannot be explained by the expected positive social, environmental, fundamental rights, economic and administrative impacts. They all would be maintained, or even have higher impacts if the scope of application would be enlarged. e.g. The high number of bilateral agreements mentioned (378) needed to reach the same effect as a EU initiative, will not diminish if the scope of the directive is not expanded. On the contrary : once the perspective on an expanded scope would be postponed substantially or abandoned entirely by this revision, member states and local authorities are likely to initiate further bilateral agreements, creating more administrative burden and procedural fragmentation. The traffic offenses will not disappear because they are kept out of the CBE directive's scope.

The document rightly qualifies dangerous parking as a road-safety-related traffic offence. Polis (and its members represented in a dedicated parking working group) would like to highlight the importance of cross-border enforcement in this regard. Dangerous parking does not only affect motorised traffic : cyclists and pedestrians can be put in harm as well. The definition of dangerous parking is different across the member states, but within a limited band width – a common understanding of what dangerous parking entails, can be found. The financial cost and administrative burden of enforcement towards foreign vehicles - without cross-border enforcement scheme in place - is high for the driver and for the authority: clamping, towing, immediate payment, vehicle confinement... are methods that are burdensome for both parties. Although CBE will not make all of these methods unnecessary, they will be simplified and cost will be reduced.

Finally, the CBE directive currently does not include non-road-safety related traffic offenses such as toll or LEZ evasion. We would like to highlight the need to further align the CBE with the EETS directive (revision under conclusion), where a window of opportunity has been created to assess whether (administrative) fines related to non-compliance to access regulations can be included within the electronic tolling context. In practice, the administrative procedures as well as the digital infrastructure/back-offices to manage this process and CBE will be similar or even the same, with a central role for EUCARIS. This convergence should also be translated in the revised CBE Directive.

Report an issue with this feedback [./\(info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462118/report_en\)](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462118/report_en).

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Law

Feedback from: Union Internationale des Chauffeurs Routiers UICR

Feedback reference

F462085

Submitted on

11 April 2019

Submitted by

Ralph MEYER

User type

Trade union

Organisation

Union Internationale des Chauffeurs Routiers UICR

Organisation size

Small (10 to 49 employees)

Transparency register number728166033665-91 (<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=728166033665-91&locale=en>).**Country of origin**

Austria

Initiative[Cross-border enforcement of road traffic rules \(/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en\)](#).

Guten Tag

Mit der Fahrerkarte in partizipierenden Länder ist die Identifikation eindeutig. Dadurch müsste die Durchsetzung Vergehen im Grenzüberschreitenden Strassenverkehr möglich sein.

Beiliegende Zusammenfassung unserer Mitgliederorganisation aus der Schweiz fasst unsere Meinung sehr gut zusammen.

Feedback from: Union Internationale des Chauffeurs Routiers UICR

(2.6 MB - PDF - 3 pages)

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DG Move

Cross-Border enforcement road traffic rule



Swiss Drivers, Schulhausstrasse 6, 3000 Bern



Kontext

Wir als Swiss-Drivers setzen uns seit Jahren für sichere Strassen in der Schweiz und Europa ein. Bei jeder Gelegenheit machen wir die Mitglieder aufmerksam, welcher Wichtigkeit der Weiterbildung und dem Training der Kenntnisse und von Automatismen im Strassenverkehr gleichkommt.

Jedes Strassenverkehrsoffer ist eines zu viel. Es gehört zu unserer Berufsehre ohne Unfall durch das Erwerbsleben zu kommen. Dennoch passiert das Unfassbare. Im Ernstfall stellen wir fest, dass es bei den Berufsfahrern nur Opfer gibt sei es als Unfallverursacher oder als Verunfallter. Wir kennen keinen Berufsfahrer der nicht ein Leben lang unter einem solchen Ereignis leidet.

Generelle Überlegungen

Der Strassengüterverkehr und die Fahrer gehören wohl mit zu den am intensivsten kontrollierten Berufsgattungen. Wir als Berufsverband nehmen dies als Schutz vor schwarzen Schafen wahr und befürworten ein angemessenes Mass. Dazu gehört selbstverständlich auch die Durchsetzung von Strafen und Bussen.

Bei dieser Gelegenheit geht unser Hinweis auf den Zusammenhang mit weiteren Regulierungen in der EU bezüglich der Fahrzeugtechnik.

Abstandsregler mit Notbremssystem, Geschwindigkeitserkennung mit Tempolimitierung und andere teure Apparaturen sind ab 2022 in unsere Fahrzeuge einzubauen. Wir bewegen uns hier zwar noch nicht im Bereich des autonomen Fahrens aber schon sehr nahe dran. Der Boden wird bereitet unter dem Motto „Verkehrssicherheit“ bereitet, ohne dem Bürger reinen Wein einzuschenken.

Einerseits verlangt die EU den Transfer von Verantwortung vom Fahrer zum Fahrzeug andererseits will sie hier dennoch alle Möglichkeiten schaffen um ungehindert das Geld mittels Strafen und Bussen fließen zu lassen.

Für uns sieht es aus als stünden diese Aktionen unter dem Motto „Wir halten uns alle Optionen offen“ Einmal den Strassenverkehr verteuern (Investition ins Fahrzeug wird teurer und damit praktischerweise auch die Umsatzsteuer) und dennoch die Systeme nur halbwegs laufen lassen (um weiter Strafen und Bussen ausstellen zu können).

Hier sind unsere Punkte zu den technischen Ausstattungen ab 2022 und 2024

- Verbesserung der Sicht und Beseitigung toter Winkel im LKW oder Bus → Dem Fahrer helfen die Tools nur bedingt. Seine Informationsaufnahme in den Sekunden wo er sie benötigt ist begrenzt
- Fahrzeuge werden teurer, können mehr aber des Fahrers Aufnahmefähigkeit ist begrenzt.
- Vollkommene Überwachung der Verkehrsteilnehmer wird Tür und Tor geöffnet. Bereits heute ist die Überwachung am Rande des Zumutbaren.

Spezifische Punkte zur Initiative

- Bei Vergehen mit einem Fahrzeug trägt der Lenker immer die Identitätskarte am Kühlergrill, im Gegensatz zu anderen Vergehen. Verfolgung durch die Justiz ist um ein Vielfaches weniger aufwendig
- Das hehre Ziel 2050 keine Strassenverkehrstopfer zu beklagen sehen wir eher als realitätsfremd an. Um dieses zu erreichen, müssten bis dahin autonome Fahrzeuge auf unseren Strassen verkehren, die Vorgaben zur technischen Ausrüstung ist ein erster Schritt in diese Richtung, quasi eine soft Einführung. Es gilt hier festzuhalten, dass selbst dann eine absolute NULL illusorisch ist.
- Echte Einschnitte wie Geschwindigkeitserkennung mit entsprechenden technischer Temporeduktion bei Überschreitungen scheinen nicht geplant, ein Schelm wer dabei denkt, dass ein gewisses Interesse an Strafen und Busseneinnahmen beabsichtigt sei. Auch bei Abstandsverstößen?
- Es nicht bestreitbar: die meisten Unfälle gehen auf menschliches Versagen zurück. Hier wird allerdings mit Kanonen auf Spatzen geschossen. Mit der verpflichtenden Einführung der Verfolgung von Verkehrsdelikten wie nicht angelegte Sicherheitsgurte aus Drittländern heraus. Die Kosten steigen ins unermessliche.
- In jedem Fall sind die Daten nicht für das Inkasso von Autobahnmaut und ähnlichem zu verarbeiten. In diesem Bereich dürfen die Unternehmen nicht bessergestellt werden als andere Unternehmen. Um so mehr als immer wieder betont wird, dass es sich um keine Steuer handelt.

Fazit

Regeln und Gesetze sind notwendig um ein Zusammenleben in der Gemeinschaft für alle erstrebenswert und lebenswert zu gestalten.

Werden diese Regeln und Gesetze nicht eingehalten ist dies zu sanktionieren.

Soll die Sanktion Wirkung zeigen muss diese zeitnah, angemessen, verhältnismässig und für Betroffene nachvollziehbar sein. Wir sind der Meinung, dass sich niemand gegen die Verfolgung und Sanktionierung von groben Verstößen stellen kann. Ordnungswidrigkeiten zu verfolgen scheint uns allerdings eher nicht zielführend zu sein.



Law

Feedback from: FIA Region I

Feedback reference

F462033

Submitted on

10 April 2019

Submitted by

Chris Carroll

User type

Consumer organisation

Organisation

FIA Region I

Organisation size

Small (10 to 49 employees)

Transparency register number

84839535366-67 (<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=84839535366-67&locale=en>)

Country of origin

Belgium

Initiative

Cross-border enforcement of road traffic rules ([//info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en](http://info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en))

FIA Region I welcomes the European Commission's Inception Impact Assessment and the opportunity to give feedback on the initiative. Representing 36 million European motorists, FIA Region I and its member Mobility Clubs offer its expertise to support the Commission's evaluation with any additional information necessary.

The Cross-Border Enforcement (CBE) Directive is viewed as an important step to improve road safety while streamlining and facilitating the procedure between Member States when enforcing the rules on road traffic offenses. Below are some general points that we would like to raise:

Scope of the Directive

As detailed in the study evaluating the application of Directive (Grimaldi, 2016), the offences covered by the Directive cover most of the offences that are the major contributing factors to road fatalities on EU roads. Applying the legislation has been challenging for Member States for many reasons including the level of administrative burden and because of the differences in procedures with regard to Member States' administrative and/or judicial decisions. One challenge faced by motorists is the latency in procedures for the notification of fines, often caused by different deadlines or difficulties in obtaining vehicle registration information. The focus of the Commission should therefore be on ensuring the effective application of the existing requirements of the Directive.

Informing citizens of their rights in their own language

Article 5 of the Directive outlines how any offence is to be communicated with the owner of the vehicle. The Article includes a non-binding requirement for the correspondence letter to be in the language of the vehicle registration. This voluntary element means that in some cases letters are not sent to recipients in their own language. This can mean for recipients that it is difficult to understand the information shared with them and potentially they would have to bear the costs of translation. Furthermore, it is also the case that correspondence letters, even in the native language of recipients can also be incoherent or badly translated.

The impact assessment should better review this issue in order to ensure that such letters of correspondence are always delivered in the language of the vehicle owner. An assessment of the options available (e.g. provision of EU funds for translation purposes) to improve the operations of Member State authorities should also be further explored.

Moreover, it would be desirable that Article 5 is also applicable for all traffic offences related to road safety and not just for the traffic offences that fall under the scope of the Directive.

Data protection

Vehicle registration details should be carefully recorded, stored, corrected and deleted. The processing of drivers' personal data must be restricted to purposes defined in the scope of Directive, therefore, avoiding any exploitation of the drivers' movement profiles. A full

assessment of the Directive should be carried to ensure that the transfer of vehicle registration details among Member States, or any third-parties, abide by the principles of the new GDPR, ePrivacy Directive, as well as the Directive (EU) 2016/680 on the processing of personal data by public authorities in criminal offenses. Therefore, a comprehensive set of safeguards should be put in place against the misuse of personal data.

Enforcement

One of the key findings of the Grimaldi (2016) study showed that not all Member States can legally enforce financial penalties for road traffic offences that have been committed in other Member States. A detailed analysis should be carried out in order to address and clarify such issues. In this context, it is desirable to research further how Member States enforce financial penalties. Specifically, the issues with passing on collected fines and excessive costs built in the financial penalties by private debt collecting agencies.

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Law

Feedback from: ÖAMTC

Feedback reference

F462025

Submitted on

10 April 2019

Submitted by

ÖAMTC Rechtsdienste

User type

Consumer organisation

Organisation

ÖAMTC

Organisation size

Large (250 or more)

Transparency register number

21689673146-84 (<http://ec.europa.eu/transparencyregister/public/consultation/displaylobbyist.do?id=21689673146-84&locale=en>).

Country of origin

Austria

Initiative

Cross-border enforcement of road traffic rules (/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en).

Der ÖAMTC - näheres unter www.oeamtc.at - als Vertreter von mehr als 2 Millionen Mitgliedern in Österreich, die in der Europäischen Union als Reisende, Touristen, Autofahrer, Motorradfahrer, Radfahrer etc unterwegs sind, begrüßt die vorliegende Initiative der Kommission und dankt für die Einbindung der Bürger und Interessenvertreter.

Der ÖAMTC befürwortet die Pläne der Kommission und die Initiative zur Verbesserung der grenzüberschreitenden Eintreibung von Verkehrsstrafen, die die Verkehrssicherheit beeinträchtigen .

Sehr gerne bietet der ÖAMTC seine Expertise und die Erkenntnisse aus den Erfahrungen und Berichten seiner Mitglieder an, um gemeinsam mit dem EU-Gesetzgeber die grenzüberschreitende Verfolgung von Verkehrssündern zu verbessern. Der ÖAMTC befürwortet weiterhin den Anwendungsbereich der Richtlinie auf Delikte, die die Verkehrssicherheit beeinträchtigen.

Für den Ablauf hilfreich wären künftig

- einheitliche Fristen für die Zustellung der Informationsschreiben
- Informationen zum Beginn und Ende des Fristenlaufs für Rechtsmittel oder Rechtfertigungen sowie
- EU-weit einheitliche unkomplizierte Modalitäten zur Bezahlung der Strafe.

Report an issue with this feedback (/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462025/report_en).

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Law

Feedback from: Anonymous

Feedback reference

F462087

Submitted on

11 April 2019

Initiative

Cross-border enforcement of road traffic rules ([/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en)).

- 1) Extension nécessaire du champ d'application de la directive à d'autres infractions routières : interdictions de dépassement, distances de sécurité, interdiction d'accès à certaines voies publiques (sens interdit, voie réservées, ...), stationnement, surcharge, ...
- 2) En vue de garantir une meilleure prise en compte des droits de la défense : indication sur la lettre de notification du cadre légal dans lequel le contrevenant est poursuivi (référence à la directive et identification dans Eucaris); déterminer les conséquences lorsqu'un Etat membre ne respecte pas les conditions de base de la lettre de notification (art. 5); tenir compte des capacités limitées des Etats membres à travailler dans des langues différentes (principalement au niveau des procédures de recours et de toute communication non standardisée).
- 3) Au niveau du recouvrement des amendes, favoriser la mise en place d'un cadre (légal et digital) européen permettant de communiquer entre Etats membres (e-Codex ou autre).

Report an issue with this feedback ([/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462087/report_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F462087/report_en)).

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Law

Feedback from: Anonymous

Feedback reference

F461837

Submitted on

05 April 2019

Initiative

Cross-border enforcement of road traffic rules ([/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en](https://info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en)).

La directive aujourd'hui permet surtout de poursuivre les infractions, constatées automatiquement, comme les excès de vitesse ou le franchissement de feu rouge.

Les autorités françaises souhaitent développer le contrôle automatisé d'autres infractions liées à la sécurité routière, y compris de la part de conducteurs de véhicules immatriculés dans un autre Etat membre de l'Union européenne :

- distance de sécurité insuffisante laissée avec le véhicule qui précède ;
- distance latérale insuffisante avec le véhicule dépassé ;
- constatation du non-respect de certaines règles de circulation, comme l'utilisation induite de voies réservées à certains véhicules ou usagers, la circulation en sens interdit, le chevauchement ou le franchissement d'une ligne continue ou encore le non-respect des règles de priorité ;
- le défaut d'assurance.

Et, même si elles ont un lien moins direct avec la sécurité routière, les deux infractions suivantes, à savoir l'entrée dans une zone à faible émission (pour des véhicules « trop polluants »), le stationnement interdit (gênant ou dangereux) et le non acquittement de la redevance de stationnement en agglomération notamment, devraient être ajoutées à l'article 2 de la directive 2015/413.

Il apparaît aujourd'hui essentiel et urgent aux autorités françaises que la Commission élabore au plus tôt une proposition de directive révisant la directive susmentionnée, en particulier son article 2, en y insérant ces nouvelles infractions.

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Law

Feedback from: Anonymous

Feedback reference

F262747

Submitted on

18 March 2019

Initiative

Cross-border enforcement of road traffic rules ([/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en)).

What about a European driving license? Doing so, any offense in any country would be centralised and treated equally, irrespective of the country in which it happened.

What about a central registry of European vehicles and their license plates? Any offense or robbery would be addressed faster and crossing EU member states borders would not be blocking procedures.

What about a registration procedure whenever non Member States vehicles enter the EU territories? this would ensure traceability and checks for increased security and safety. This registration would also potentially prevent non-environmental friendly vehicles to enter EU Member States, unless they pay a tax.

What about enhancing automated vehicle recognition (like facial recognition) to track non-registered vehicles on motorways? This would help regularising illegal situation, checking also the environmental and related eco-tax and confirm whether the vehicle has the rights to enter environmental zones.

Report an issue with this feedback ([/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F262747/report_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F262747/report_en)).

[All feedback](#)

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Law

Feedback from: Anonymous

Feedback reference

F260789

Submitted on

18 March 2019

Initiative

Cross-border enforcement of road traffic rules ([/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en))

This initiative as a great example of the lack of conception on EU level. EU would have been a better thing if it helped to deliver better standards across the region. Why there is no EU standard software for evidence of people and their cars (not talking about any other systems that countries need)? Why are we missing any kind of standard EU traffic rules - like common road signs? Why it's ok to have in 2019 EU have digital road signs in Czech/Italian/French/Greek language and none other? Does anyone think it's safe to make other European drivers to try to analyze a text while driving in the busy foreign city or on highway?

We first need the Europe that actually helps to provide a safety and proper information to drivers and law-enforcements. There are apps and navigation systems that have the ability to inform driver about correct speed limit, but do states and EU provide a correct data for this? Does EU provide a mobile app/website to help drivers to drive safe in another country?

It's 2019! Why it's a problem for EU police to have some mobile device they can give to foreign driver that would help them to look a the evidence the Police took and answer some sort of smart form in their language? (Like are you aware, you were driving ... speed?) And based on answers Police would be able to charge the driver on place or provide enough evidence to their national Police while letting the driver know how much he/she will be responsible to pay for local and cross-border procedures. And it might make sense to provide a QR code with link to the case, so the driver can review it and pay if they change their mind later (to avoid the procedures).

Report an issue with this feedback ([/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F260789/report_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules/F260789/report_en))

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Annex IX - Analytical summary of the OPC

The Open Public Consultation is designed and launched by the Commission with the main objective to collect opinions and viewpoints of a wide group of stakeholders. In the OPC questionnaire, a wide variety of stakeholders are addressed requesting inputs on:

1. their experiences on offences committed with foreign registered vehicles in their country;
2. their assessment on the need to extend the scope to cover other road-safety-related traffic offences;
3. solutions to provide road users with relevant information in a transparent way and a language they understand;
4. fundamental rights in relation to notifications and rights of the presumed offender

The OPC, which is by its nature open to anyone who wishes to provide his/her views, is a tool able to acquire views from a wide and diverse group of stakeholders, and to ask for information on a variety of aspects of the problem at stake. As a result, however, this may deliver generic information or data at a too aggregate level for assessing impacts of the various policy options. Furthermore, as there is no direct communication between the respondents and the study team, and clarifications cannot always be easily obtained. This annex provides the analytical summary of the OPC results, which has further provided input for the final report and the stakeholder consultation report.

Respondents

In overall, the OPC has 80 responses, of which 36 are private EU citizens, 18 companies and business organisations, 8 NGOs, 5 public authorities, 5 consumer organisations, 1 academic/Research institution, 1 environmental organisation and 1 non-EU citizen. Furthermore, input was received from five 'other' organisations: POLIS, Associazione Italiana Automotoveicoli Classici - A.I.A.C., Bundesverband Deutscher Omnibusunternehmer e.V., Bundesarbeitskammer, Sadler Consultants Europe GmbH jointly with CLARS public authority UVAR Platform.

Company size

Table 1 provides an overview of the company size of the respondents (excluding EU and non-EU citizens) in number and percentages. 10 out of 43 respondents (23%) state that their company or organisation is smaller than 10 employees/members, 10 out of 43 respondents (23%) state that their company or organisation is smaller than 50 employees/members (23%), 10 out of 43 respondents (23%) state that their company or organisation is larger than 250 employees/members (30%). The answers are summarised in Table 1.

Table 1 Overview of respondent's company size

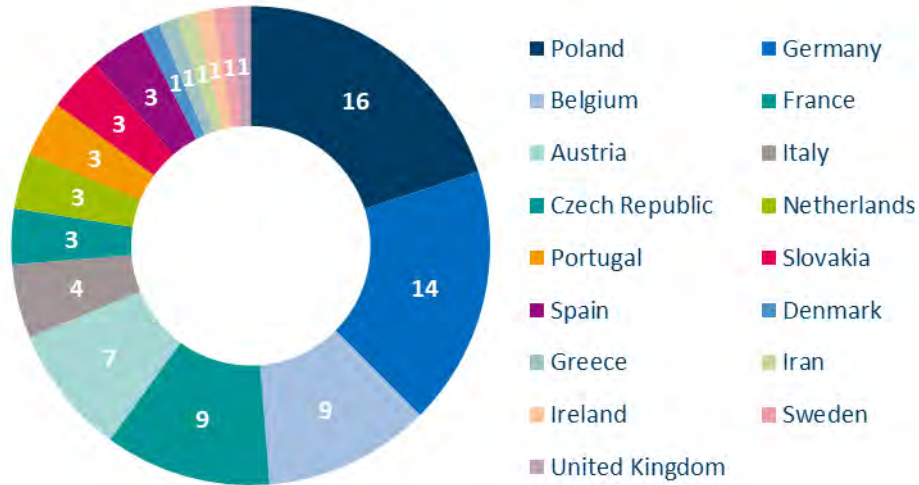
| Company size | In respondents | In percentage |
|--------------------------|-----------------------|---------------|
| Large (250 or more) | 13 | 30.2% |
| Medium (< 250 employees) | 10 | 23.3% |
| Small (< 50 employees) | 10 | 23.3% |
| Micro (< 10 employees) | 10 | 23.3% |
| Total | 43¹ | 100% |

¹ This question was not asked to private (non-)EU citizens.

Geographical spread

Respondents were asked to indicate their country of residence. Most of the respondents are based in Poland (20%) and Germany (18%). Other respondents are based in Belgium (11%), France (11%), Austria (9%), Italy (5%), Czech Republic (4%), Netherlands (4%), Portugal (4%), Slovakia (4%), Spain (4%), Denmark (1%), Greece (1%), Iran (1%), Ireland (1%), Sweden (1%) and the United Kingdom (1%). The results are summarised in Figure 1.

Figure 1 Geographical spread of the respondents (N=80)

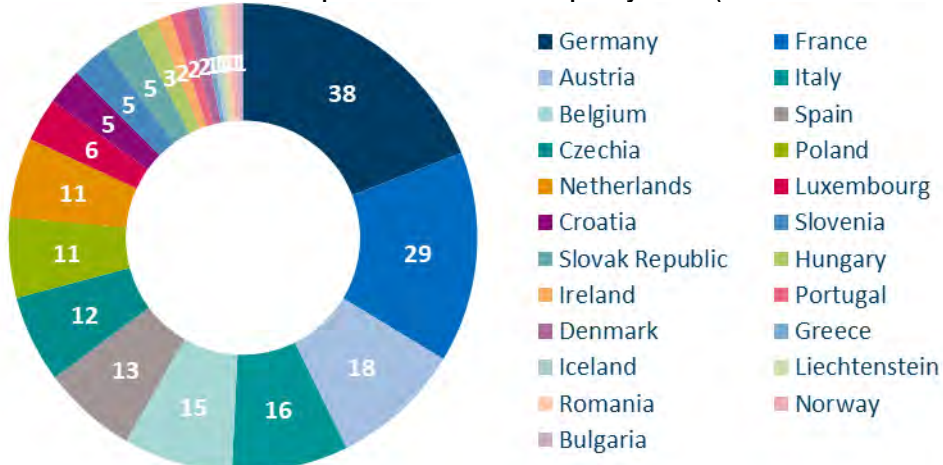


Cross-border activity

From the 80 respondents, 7 respondents (9%) indicate that they are a professional driver and drive abroad as part of their occupation. Furthermore, 17 respondents (21%) indicate to be an employee in the private or public sector and sometimes need to drive abroad for work purposes. The other respondents have not indicated that they drive abroad for work purposes or to act as a professional driver.

Respondents were also asked in which Member States (besides their country of residence) they have most frequently driven in the last four years. Respondents could provide multiple answers. The results are presented in Figure 2. The analysis reveals that Germany (19%), France (15%), Austria (9%), Italy (8%) and Belgium (8%) were mentioned most. A closer look at the geographical spread (Figure 1) reveals that the most frequently driven countries are often neighbouring countries of the respondents.

Figure 2 Countries in which respondents have most frequently driven (besides their own country)



Experiences with offences committed by drivers in foreign registered vehicles

In this section, the responses to questions relating to the experience of respondents with the driving behaviour of drivers of foreign registered vehicles in their country of residence.

Likelihood to commit traffic offences

Respondents were asked to whether, according to their experience, drivers in foreign registered vehicles commit more traffic offences in their country of residence than drivers in domestic registered vehicles. More than half of respondents indicate that drivers in foreign registered vehicles are more likely to commit a traffic offence, a quarter indicates that they do not know the answer or have no opinion and about one-fifth indicate that drivers in foreign registered vehicles are not more likely to commit a traffic offence. These findings are consistent with other evidence presented in the Final Report. The results are presented in Table 2.

Table 2 Following your experience, do the drivers with the vehicles registered abroad often commit road traffic offences in your country of residence? (N=76)

| Answer | In respondents | In percentage |
|---------------------------|----------------|---------------|
| Yes | 41 | 54% |
| No | 16 | 21% |
| No opinion / I don't know | 19 | 25% |
| Total | 76 | 100% |

When respondents answered yes, they were asked to provide their views on the most likely reason behind the behaviour of foreign road users. Half of the respondents indicate that this is because of a perceived level of impunity, that originates from a low number of checking equipment and a small chance of getting caught and receiving a fine. More than twenty percent of respondents indicate that the awareness of local traffic rules is also an important factor that leads to (unintendedly) committing a traffic offence. Other mentioned reasons relate to their country being a transit or holiday country, a low amount of fines (compared to fines in neighbouring countries) or pressure to deliver products or people in time.

The main objective of enforcement of sanctions

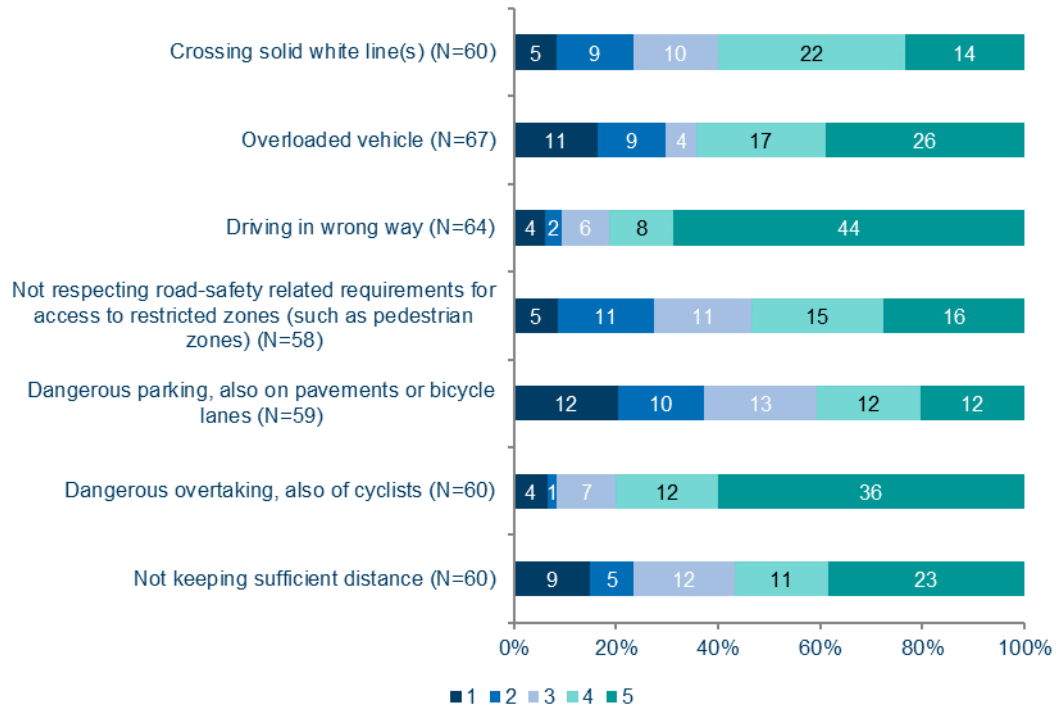
When asked what the main objective of enforcement of sanctions for road traffic offences committed by drivers with the vehicles registered abroad should be, respondents indicate to find improving road safety (mentioned 66 times) and the equal treatment of drivers (mentioned 67 times) to be the most important objective. The objective to obtain revenues for public authorities to finance road safety measure (mentioned 13 times) was mentioned less often as a main objective. Some respondents have provided other objectives than the one mentioned in the survey, and indicate that equal treatment for non-payment of tolls, fair treatment of law-abiding road users, fair competition, maintenance of infrastructure, the harmonization of rules, the fight against global warming and ensuring privacy should also be considered as an objective.

Offences covered by the CBE Directive

The CBE Directive currently covers a limited set of road-safety-related traffic offences. Respondents were asked to provide their opinion on a possible scope extension, on a scale from 5 (most important) to 1 (least important). Most respondents indicate that 'dangerous overtaking, also of cyclists' and 'driving in wrong way' would be the most important offences to include in the Directive. The inclusion of offences of 'overloaded vehicles', 'crossing white lines' and 'not keeping sufficient distance' also seem to be widely supported by respondents.

The inclusion of offences of 'Not respecting road-safety related requirements for access to restricted zones (such as pedestrian zones)' received fewer support, but the majority of respondents still indicate that it would be important to include this offence. The views of respondents are mixed on the inclusion of 'dangerous parking, also on pavements and bicycle lanes'. Two respondents indicate that no additional offences should be added to the scope, and six respondents indicated to have no opinion or do not know. The results are presented in Figure 3.

Figure 3 Respondents views on the inclusion of additional offences in the CBE Directive, on a scale from 1 (least important) to 5 (most important)



Four respondents also indicate that failure to pay toll should be included in the Directive. Three respondents indicate that not giving priority (stop signs, zebra crossings, etc.) should be included in the Directive. Three respondents indicate that all offences should be added to the scope, as long as they can be detected by automatic means. Finally, one respondent indicate that aggressive or reckless driving should be included in the Directive, one respondent indicated that insufficient resting should be included in the Directive and one respondent indicated that offences related to tire characteristics (low tread depth, low pressure) should be included in the Directive.

Information available for road users on road traffic rules

The problem analysis revealed that unawareness of local traffic rules might result in drivers unintentionally violating traffic rules. Respondents were asked to rate the perceived importance of the driver having access to relevant information in the language that the driver speaks or understands. Almost 90% of the respondents indicate to find this 'important' or 'very important', and only 3% of respondents indicate to find this 'not important' or 'slightly important'. The results are presented in Table 3.

Table 3 How important do you think it is for drivers to have access to relevant information in the language that the driver speaks or understands? (N=77)

| Level of importance | In respondents | In percentage |
|---------------------|----------------|---------------|
| Not important | 1 | 1% |
| Slightly important | 1 | 1% |
| Fairly important | 7 | 9% |
| Important | 19 | 25% |
| Very important | 49 | 64% |
| Total | 77 | 100% |

Respondents were also asked to provide their views on the most effective way of providing information on local traffic rules. Respondents could provide multiple answers to this question. The majority of respondents (87%) indicate that the most effective would be to this through navigation/on-board information system. More than half of respondents indicate that providing information through a website of the country/municipality concerned would also be effective. More than 40% of respondents indicate that information could be provided effectively through a website of the European Commission, and more than 15% indicate that it would effective to provide this information through a website of the automobile club concerned. The results are presented in Table 4.

Table 4 In your view, when driving abroad, what would be the most effective way of providing information on the local road traffic rules? (N=77)

| Answer (multiple answers possible) | In respondents |
|---|----------------|
| Navigation/on-board information system | 67 |
| A website of the country/municipality concerned | 42 |
| A website of the European Commission | 32 |
| A website of automobile club concerned | 13 |
| No opinion/I do not know | 1 |

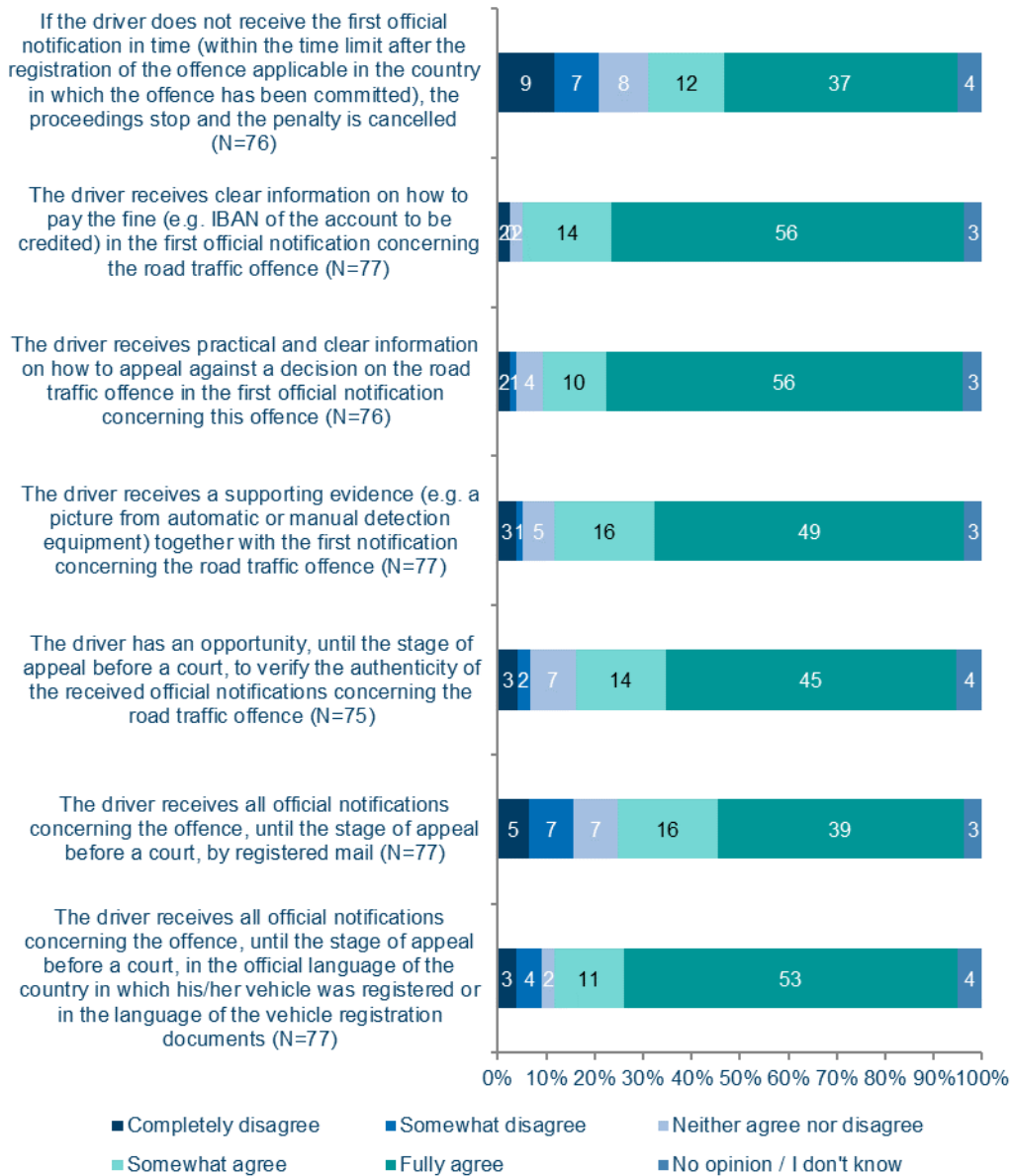
When asked for other solutions, nine stakeholders indicated that the harmonisation of road signs would be effective and five stakeholders indicated that information could also be shared via mobile devices and apps. Three stakeholders indicated that, in case of professional drivers, employers should provide relevant information. Two indicate that information being reliable and regularly updated is important, and two respondents indicated that better signs at borders with local traffic rules and other information (for example including website or a QR-code) would be effective. Finally, one respondent indicated that the harmonization of road traffic rules would likely be the most effective way.

Information available for presumed offenders on the detected offence, the applicable sanctions and appeal procedures

In the problem analysis, it was found that the language regime of penalty notices is sometimes not accurate, and that penalty notices do not always contain the complete information on the offence committed, applicable sanction schemes and appeal procedures. Respondents were asked to provide their opinion on specific rights of road users that presumably committed an offence abroad. Most respondents seem to indicate that drivers should enjoy all rights that are mentioned in the survey questions. In particular, there seems to be wide support for the right to information on appeal procedures, information on how to pay fine (e.g. IBAN of the account to be credited) and concerning the language regime of all official notifications (which should be translated in the

language of the vehicle registration documents or the Member State in which the vehicle is registered). Somewhat lower support is obtained for the right to receive all notifications by registered mail and the right to not be prosecuted if the first official notification is not received in time. Nevertheless, also for these rights, the majority of respondents do agree that the driver should enjoy these rights. Thereby, it seems that respondents are of the opinion that the (fundamental) rights of presumed offenders are important. The results are presented in Figure 4.

Figure 4 Answers to the questions: ‘To what extent do you agree or disagree that the driver, who (allegedly) committed a road traffic offence abroad, enjoys the following rights:’



Analysis of written contributions and position papers

In addition to the responses to survey questions, some respondents have uploaded a position paper or provided their views in more detail in the form of a document. In total, eight written contributions were received.

Arbeitskammer (AK) Wien: AK Wien welcomes the initiative of the European Commission, and indicates that Austria attracts a lot of foreign drivers due to its geographical position (being a transit- and holiday country). It welcomes all measures that positively contribute to road safety. AK Wien is in favour of extending the scope towards non-compliance with safety distances and dangerous parking. Furthermore, the stakeholder would be in favour of harmonization in the field of payment of fines between Member States, standardization of the payment method and the enhanced implementation of the principle of "fair trial". The latter should originate from coordinated regulations between Member States, ensuring the appropriate language regime in communication and adequate information on appeal procedures. Establishing this would be a huge step in the field of cross-border cooperation.

German Police Union (DPoiG): DPoiG indicates that enforcement of road traffic rules is an important factor in road safety, due to its deterrent effect. The deterrent effect is only observed when offences are sanctioned with a high degree of probability. Penalties for detected offences in Germany are only possible if the offence is proven individually to the person who has committed it. A doubtless identification is often only possible with disproportionate effort or not at all. The Europe-wide introduction of owner's responsibility could be helpful in this respect.

The DPoiG suggests the following measures to be included under the Directive:

- Europe-wide adaptation of the level of sanctions to the risk potential
- The level of sanctions in the European states should be increased with regard to the particularly dangerous causes of accidents (such as speed, driving ability, distance and distraction)
- Increase the detection effort, and make this incalculable and unpredictable for individuals
- Introduce an owner liability regime
- Safety campaigns, for example coordinated through ROADPOL
- Allow police access to driving licence data in RESPER (possibly through revision of Directive 2006/126/EC).
- Include offences related to the infringement of social regulations.
- Eliminate the threshold foreseen in Framework Decision 2005/214/JHA on mutual recognition of financial penalties and encourage revenue sharing.

Furthermore, the stakeholder wonders why alcohol and drug offences are included in the Directive, since these can only be detected by stopping the vehicle (and as such, are found irrelevant for the CBE Directive). Also, the stakeholder raises the question to what extent the right of an individual should be placed above the protection of life and health of others.

In conclusion, the stakeholder supports all EU measures that appear suitable to support the road safety work of the police.

European Federation of Road Traffic Victims (FEVR): The Federation of Road Victims in Europe (FEVR) supports all efforts to improve road safety. Increasing acceptance and compliance with traffic rules are essential tasks of road safety work, with positive effects shown in Switzerland following some legal changes. Important is to increase the deterrent effect of sanctions, either by

increasing the size of financial penalties or increase the probability of getting caught (for example by increasing detection equipment or the introduction of an owner/holder liability regime).

Furthermore, the FEVR welcomes the same measures as have been suggested by the DPoIG. As the wording of both position papers is to large extent identical, we believe that the responses of the FEVR and the DPoIG have to a large extent been coordinated. We conclude that both stakeholders share the same opinion, and will therefore not repeat the position of the FEVR.

The Dutch municipalities Amsterdam, The Hague, Rotterdam and Utrecht (G4): The cities of Amsterdam, Rotterdam, The Hague and Utrecht (in short G4) in the Netherlands jointly appreciate the initiative of the European Commission to improve the procedures for enforcement under the Cross-Border Enforcement (CBE) Directive. A higher compliance with traffic rules, both by domestic and foreign road users is not only crucial for the safety in our cities but most certainly for the liveability of our cities as well. The G4 would like to encourage the European Commission to consider to include Urban Vehicle Access Regulations (UVARs), wrongfully entering car-free zones and roads, and parking under the Directive. This will help create more liveable cities where we are able to improve road safety, improve air quality, tackle climate change, create a better level playing field and have less complaints from citizens as we are better equipped to actually enforce traffic offenses and to work on a higher compliance with traffic rules.

Basque Governments (Gobierno Vasco): The Basque Government welcomes measures so that this cross-border exchange can take place and information is shared information as quickly as possible and with respect for the Fundamentals Rights of foreign citizens. In addition, the stakeholder considers that it is necessary to ensure that sanctions can be executed effectively and quick. To do so, the stakeholder suggests to make the procedures better suitable for administrative offences. Therefore, it is requested that traffic sanctions of an administrative nature can be prosecuted for its execution, outside the voluntary payment period, because despite being imposed by an administrative body (apart from a body of the administration of justice, there is the possibility of being reviewed by a judicial body, complying with the principles of the Directive.

Wirtschaftskammer Österreich (WKO): It would be important to get through the unfounded (because mostly statute-barred) claims from Italy using debt collection agencies: the driver receives the first official notification not in a timely manner (i.e. within the time limits applicable in the country where the offence was committed after the offense has been established). These proceedings are discontinued and the penalty lifted. Furthermore, it is important to ensure that road users and presumed offenders have adequate information in case an offence is committed and on local traffic rules This information should be provided in the language that the road user understands, or at least in the English language.

European Association of Operators of Toll Road Infrastructures (ASECAP): ASECAP members support EU policy to promote a high level of safety and equal treatment for all road users in the EU. The identified problems with the CBE Directive (Directive 2015/413) also are identified in Directive 2019/520 on the obligation to pay road fees. Considering the transversal principle of equality and the inherent necessity of elimination of distortions and differences of treatment between Member States and its citizens, the stakeholder understands that it would serve such objectives to have a uniformed procedure on the topic of cross-border enforcement. This understanding is reinforced by the similarity between the Directives 2015/413 and 2019/520, in particular its articles 4 and 23, respectively. Furthermore, we identify that the extension of cross-border enforcement could be achieved either through an extension of scope (as previously proposed) or through the determination of applicability of the clauses regarding the Procedure for the exchange of information between Member States to the scope of the Directive 2019/520.

POLIS: Cross-border enforcement is fundamental for the effectiveness of traffic measures throughout Europe. POLIS stresses that it is important to add dangerous parking offences to the scope of the CBE Directive, although reckons that it might be hard to provide a union-wide definition for this offence. Adding this offence to the scope could also ensure that the use of more intervening measures (such as clamping, towing and vehicle confinement) will be reduced. The CBE directive currently does not include non-road-safety-related traffic offenses such as toll- or LEZ- evasion. We would like to highlight the need to further align the CBE with the EETS Directive. Authorities in charge of UVAR Enforcement are not primarily interested in vehicle data, but in information about compliance. The EC could consider the initiation of a service layer with a platform functionality that provides enforcers with compliance information, and in case of non-compliance, with vehicle owner/holder data. Besides the scope of offences covered, POLIS indicates that efficient cross-border enforcement contributes to a just transition: all road users must face the same procedures when they breach traffic law and local road network regulations and adds that proper enforcement procedures need to be set in place to ensure traffic violations from offenders abroad are recorded and litigated to guarantee such fair treatment. This will improve compliance and the effectiveness of traffic measures, including UVARs. POLIS fears that, in absence of EU intervention, the sprawl of bilateral and multilateral agreements will continue, which might create a larger administrative burden and procedural fragmentation.