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Road traffic offence directive: Council adopts its position

Today's Transport, Telecommunications and Energy Council adopted a **general approach** on a draft directive on the **cross-border exchange of information on road traffic offences** ([13577/14](#) + [13577/14 ADD1](#)).

This follows the Court of Justice's annulment of the [previous directive](#) in May 2014 on the grounds of an incorrect **legal basis** ([Court press release](#)). However, the Court granted a one-year reprieve to allow for adoption of the new directive. This means that the current rules remain in effect until a new directive enters into force, provided that this occurs before **6 May 2015**.

The annulled directive was adopted by the Council and the European Parliament in 2011 with police cooperation as its legal basis. The Commission, which had originally presented the proposal on the basis of EU powers in the area of transport, disputed this choice. In its ruling, the Court deemed that the main aim of the directive was to improve road safety and that the system for sharing data provided the means of pursuing this objective. Therefore, the correct legal basis would be **transport**.

The change in legal basis means that the directive **will apply to all 28 member states**. Currently, the United Kingdom, Ireland and Denmark, due to their special position with regard to police cooperation, are not taking part in this measure. As they will need to make an additional effort to put the system in place, ministers agreed that these countries should be given more time to adopt their national provisions: until May 2017 instead of May 2015.

The objective and scope of the directive remain unchanged. Under the directive, member states may access each other's national vehicle registration data in order to track persons liable for certain offences that jeopardise road safety. This data sharing covers eight major road safety-related offences: speeding, not using a seatbelt, failing to stop at red lights, drink driving, driving under the influence of drugs, not wearing a safety helmet, using a forbidden lane, and illegally using a mobile phone, or any other communications device, while driving.

The Commission sent its proposal on 18 July 2014 ([12107/14](#) + [12107/14 ADD1](#)). In order to be adopted, the legal act will also have to be approved by the European Parliament.

Press office - General Secretariat of the Council

Rue de la Loi 175 - B-1048 BRUSSELS - Tel.: +32 (0)2 281 6319
press.office@consilium.europa.eu - www.consilium.europa.eu/press

www.parlament.gv.at

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