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From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
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To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

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Subject:	COMMISSION STAFF WORKING DOCUMENT EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT Accompanying the document Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences

Delegations will find attached document SWD(2023) 127 final.

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COMMISSION STAFF WORKING DOCUMENT
EXECUTIVE SUMMARY OF THE IMPACT ASSESSMENT REPORT

Accompanying the document

Proposal for a Directive of the European Parliament and of the Council
amending Directive (EU) 2015/413 facilitating cross-border exchange of information on
road-safety-related traffic offences

{COM(2023) 126 final} - {SEC(2023) 351 final} - {SWD(2023) 126 final}

Executive Summary Sheet

Impact assessment on a proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/413 facilitating cross-border exchange of information on of road-safety-related traffic offences

A. Need for action

What is the problem and why is it a problem at EU level?

The Impact assessment found that Directive (EU) 2015/413 facilitating cross-border exchange of information on of road-safety-related traffic offences (“the CBE Directive”) had a positive impact on removing the anonymity of offenders who committed a road-safety-related traffic offence abroad by impressively increasing the number of investigated cross-border cases. However, the Directive has also proven its limitations since its deterrence effect was not sufficient to remove the offenders’ impunity due to its limited scope, lack of cross-border investigation of road-safety-related traffic offences and cross-border enforcement of sanctions for these offences resulting in low share of paid financial penalties by non-resident offenders (more than 6 million penalties in cross-border cases are not enforced annually) and inadequate protection of fundamental rights of non-residents.

What should be achieved?

The general objective of the initiative is improving road safety. This should be brought about through a change in the behaviour of non-resident drivers, triggered by a reduction of the impunity that non-resident drivers currently still enjoy. Impunity would be lowered by better cross-border investigation of road-safety-related offences (i.e. increasing the likelihood that non-resident offenders are identified and the financial penalty is enforced). At the same time, non-residents would receive information letters/penalty notices in a language they understand, within reasonable time limit and in a form which authenticity would be easily verified.

What is the value added of action at the EU level (subsidiarity)?

In the absence of EU action, cross-border enforcement of road-safety-related traffic rules would have to rely on the existing bilateral and multilateral agreements in place. This patchwork of agreements among Member States cannot ensure equal treatment of EU citizens and, given the gaps in coverage, it would be less effective in removing impunity of non-resident offenders. EU action would be therefore more effective than uncoordinated action at Member States level.

B. Solutions

What are the various options to achieve the objectives? Is there a preferred option or not? If not, why?

The retained policy measures have been grouped in three policy options, PO1, PO2 and PO3, two of which (PO2 and PO3) have variants (PO2A and PO3A, respectively). PO1 is the basis for all other policy options; it includes 11 of the 16 policy measures covering most of the technical issues and the protection of fundamental rights. PO2 covers all measures of PO1 and in addition, the establishment of specific follow-up procedures for cross-border investigation of road-safety-related traffic offences that allows exchanging more information between national authorities than just vehicle registration data (VRD). PO2A which is the preferred option, builds on PO2 and includes a duty of vehicle holders/owners to cooperate with the enforcement authorities in the identification of the person liable for the road-safety-related traffic offences. PO3 builds on PO2A and in addition establishes a tailored follow-up mechanism – *a lex specialis* – for the mutual recognition of financial penalties issued for road-safety-related traffic offences covered by the CBE Directive. Finally, PO3A is a more advanced version of PO3 as it reduces

the grounds for non-recognition and non-execution of financial penalties issued by other Member States.
What are different stakeholders' views? Who supports which option?
There is widespread support among stakeholders as regards an extension of the scope of the CBE Directive to other road-safety-related traffic offences. The views of public authorities differ on how to increase the effectiveness of the Directive. All of them are in favour of measures aimed at improving cross-border investigation of the offences. Nevertheless, some of them are critical towards specific (i.e. less cumbersome) rules for cross-border enforcement of financial penalties, others would favour such specific rules namely regarding the mutual recognition of financial penalties for road-safety-related traffic offences committed abroad. Road user organisations are very positive on all measures that would help to improve the protection of fundamental rights of non-residents.
C. Impacts of the preferred option
What are the benefits of the preferred option (if any, otherwise of main ones)?
The preferred option is considered as effective in reaching the intended policy objectives, presenting high net benefits, being internally coherent, proportionate as regards the Member States rules and procedures, and overall best in terms of political and legal feasibility. Over assessment period 2025-2050, 384 lives are estimated to be saved and 21,789 injuries avoided, relative to the baseline scenario that in monetary terms amounts to around EUR 2.8 billion, expressed as the reduction in the external costs of accidents.
What are the costs of the preferred option (if any, otherwise of main ones)?
Additional enforcement costs for Member States authorities are estimated at EUR 136.8 million relative to the baseline scenario, expressed as present value over the assessment period 2025-2050. This includes one-off adjustment costs of EUR 4.6 million for Member States administrations (e.g. to adapt IT systems).
What are the impacts on SMEs and competitiveness?
The impacts on SMEs are expected to be positive but indirect and limited. The proposal should result in a reduction of hassle costs for road users due to better protection of fundamental rights. Furthermore, a reduction of administrative costs for car leasing and rental companies of around EUR 7 million relative to the baseline scenario, expressed as present value over the assessment period 2025-2050 is envisaged.
Will there be significant impacts on national budgets and administrations?
The preferred policy option is assessed to result in additional enforcement costs incurred by the more effective investigation of road-safety-related traffic offences. These costs are which are estimated at EUR 132.2 million relative to the baseline scenario expressed as present value over the assessment period 2025-2050.
Will there be other significant impacts?
No other significant impacts are expected.
Proportionality
The preferred policy option does not go beyond what is needed to achieve the objectives and address the identified problems.
D. Follow up
When will the policy be reviewed?
Member States would send their first report to the Commission on the application of the CBE Directive by four years after the date of entry into force of the Directive. The Commission would assess the application of the Directive no later than 18 months after receiving the first reports from all Member States.

