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COVER NOTE

From: Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director

date of receipt: 1 March 2023

To: Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union

Subject: RSB OPINION 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 SEC(2023) 351.

Encl.: SEC(2023) 351



EUROPEAN COMMISSION

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SEC(2023) 351

REGULATORY SCRUTINY BOARD OPINION

Cross-border enforcement of road traffic rules

{COM(2023) 126} {SWD(2023) 126-127}



EUROPEAN COMMISSION
Regulatory Scrutiny Board

Brussels,
RSB/

Opinion

Title: Impact assessment / Cross-border enforcement of road traffic rules

Overall opinion: POSITIVE WITH RESERVATIONS

(A) Policy context

Directive (EU) 2015/413 is part of the EU's efforts to improve road safety. It facilitates the cross-border exchange of information among authorities when investigating offences committed with cars registered in a different Member State than where they were detected. This is intended to help in identifying the offenders and to improve the enforcement of any resulting sanctions. The Directive also aims to ensure that presumed offenders are informed about the offences and any applicable fines in a language they are likely to speak and including all relevant information (e.g. the applicable legal regime and consequences and the possibility for appeal).

The Commission is revising the Directive to improve its effectiveness and ensure it contributes to the EU's long-term goal of zero road fatalities.

(B) Summary of findings

The Board notes the written replies submitted by the DG in advance of the meeting and commitments to make changes to the report.

However, the report still contains significant shortcomings. The Board gives a positive opinion with reservations because it expects the DG to rectify the following aspects:

- (1) The options are not compared clearly enough in terms of effectiveness, efficiency and coherence. The choice of the preferred option is not well justified.
- (2) The report does not substantiate the link between the level of enforcement and road safety.

This opinion concerns a draft impact assessment which may differ from the final version.

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(C) What to improve

- (1) The report should better compare the options in terms of effectiveness, efficiency and coherence, including by providing a comprehensive comparison summary table, synthesising the quantitative and qualitative comparison elements. This comparative assessment should be separated from the description of the support that the options have received by the various stakeholders, including Member States. The comparison of options should, in particular, better bring out the coherence and subsidiarity aspects, which seem to play an important role. Based on this and the views of stakeholders (that should be more clearly presented), the report should significantly strengthen the proportionality assessment and the justification of why the chosen preferred option is not the best performing one in terms of effectiveness and efficiency (e.g. benefit-cost ratio and net benefits).
- (2) The report should present better and more comprehensively the evidence of better enforcement resulting in better road safety, including from a cross-border enforcement perspective. It should more transparently explain the robustness of the evidence underpinning the identified problems, including on repeated offenders.
- (3) Given the relatively modest results this initiative is expected to deliver (e.g. 10% increase in successful investigations) the report should be clearer up-front what success would look like. Linked to this, the report should be more explicit about why the bilateral agreements between Member States and multilateral agreements lead to very high enforcement of sanctions and if any resulting lessons could be useful to improve the EU system.
- (4) The report should more clearly present the articulation of the initiative with other related ones e.g. Driving Licences Directive.
- (5) The report should present more systematically the views of the different stakeholder groups (including dissenting views) on the problem, options and impacts.

The Board notes the estimated costs and benefits of the preferred option(s) in this initiative, as summarised in the attached quantification tables.

Some more technical comments have been sent directly to the author DG.

(D) Conclusion

The DG must revise the report in accordance with the Board's findings before launching the interservice consultation.

If there are any changes in the choice or design of the preferred option in the final version of the report, the DG may need to further adjust the attached quantification tables to reflect this.

Full title	Revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences
Reference number	PLAN/2017/2093

Submitted to RSB on	23 June 2022
Date of RSB meeting	19 July 2022

ANNEX: Quantification tables extracted from the draft impact assessment report

The following tables contain information on the costs and benefits of the initiative on which the Board has given its opinion, as presented above.

If the draft report has been revised in line with the Board's recommendations, the content of these tables may be different from those in the final version of the impact assessment report, as published by the Commission.

I. Overview of Benefits (total for all provisions) – Preferred Option (Policy option PO2)		
Description	Amount	Comments
Direct benefits		
Equal treatment of resident and non-resident road users		By improving the investigation of roadsafety-related traffic offences committed with foreign-registered vehicles, the CBE Directive ensures that EU citizens are treated fairly and that there is no discrimination between resident and nonresident road users.
Indirect benefits		
Reduction in the number of fatalities and injuries relative to the baseline (cumulative over 2025-2050)	192 lives saved and 10,721 injuries avoided	The reinforcement of the deterrence effect of the CBE Directive is expected to improve the driving behaviour of road users and to result in safer roads, with fewer accidents and therefore a reduction in fatalities and injuries.
Reduction in external costs of accidents (fatalities, serious and slight injuries), expressed as present value over 2025-2050, relative to the baseline	EUR 1,401.3 million	Indirect to society at large, due to the lives saved and injuries avoided. The deterrence effect of the CBE Directive is associated with indirect benefits in terms of road safety through better enforcement of road safety-related traffic rules. Avoidance of fatalities and injuries is reflected in this.
Reduction in road user (hassle) costs	-	The preferred policy option is expected to reduce hassle costs for road users due to improvement of the content of penalty notices and follow-up communication. However, it was not possible to quantify the reduction in costs.
Administrative cost savings related to the 'one in, one out' approach*		

<p>Reduction in costs for the private sector, expressed as present value over 2025-2050, relative to the baseline</p>	<p>EUR 7.037 million</p>	<p>The preferred policy option is estimated to result in a cost reduction for car leasing and car rental companies at the level of EUR 7.037 million relative to the baseline, expressed as present value over 2025-2050, due to the availability of the information on the final user/keeper of the vehicle in national vehicle registers by default, since administrative activities can be partly overcome. The administrative costs savings per company are estimated at 202 EUR in 2030 and 128 EUR in 2050, relative to the baseline.</p>
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II. Overview of costs – Preferred option (Policy option PO2)							
	Citizens/Consumers		Businesses		Administrations		
	One-off	Recurrent	One-off	Recurrent	One-off	Recurrent	
Direct adjustment costs, expressed as present value over 2025-2050, relative to the baseline	-	-	-	-	<p>For MS: adjustment costs to connect databases and technical solutions and to develop templates, estimated at EUR 4.61 million.</p> <p>For the Commission: costs to upgrade a portal for Government-to-Citizens communication and costs for providing a dedicated list of entities in different Member States that are entitled to issue information letters to ensure authenticity of documents, estimated at EUR 0.475 million</p> <p>Total for MS administrations and the Commission, estimated at EUR 5.085 million.</p>	<p>For the Commission: costs for maintaining a portal for Government-to-Citizens communication, estimated at EUR 1.056 million.</p>	
Direct enforcement costs, expressed as present value over 2025-2050, relative to the baseline	-	-	-	-	-	Total for MS administrations: Enforcement costs related to the investigation of road safety traffic offences, estimated at EUR 142.9 million	
Costs related to the 'one in, one out' approach							
Total	Direct adjustment costs	-	-	-	-	N/A	N/A
	Indirect adjustment costs	-	-	-	-	N/A	N/A
	Administrative costs (for offsetting)				EUR 0.435 million in 2030 and EUR 0.275 million for 2050, relative to the baseline. Per company	N/A	N/A

II. Overview of costs – Preferred option (Policy option PO2)						
	Citizens/Consumers		Businesses		Administrations	
	One-off	Recurrent	One-off	Recurrent	One-off	Recurrent
				<p>they are estimated at 202 EUR in 2030 and 128 EUR in 2050. Expressed as present value over 2025-2050, relative to the baseline, estimated at EUR 7.037 million (or an average of 130.92 EUR per year per company over 2025-2050).</p>		

Electronically signed on 22/07/2022 12:08 (UTC+02) in accordance with Article 11 of Commission Decision (EU) 2021/2121

