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From: General Secretariat of the Council
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Subject: Preparation of the Council meeting (Transport, Telecommunications and Energy) on 1st June 2023
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
– Progress Report

I. INTRODUCTION

The Commission submitted the above-mentioned proposal to the European Parliament and to the Council on 1 March 2023 as a part of the Road Safety Package.

The Commission has presented its proposal to a) increase compliance of non-resident drivers with additional road-safety-related traffic rules, b) streamline mutual assistance procedures between Member States in the cross-border investigation of road-safety-related traffic offences and c) strengthen the protection of fundamental rights of non-resident offenders. The proposal modifies the Directive on facilitating cross-border exchange of information on road-safety-related traffic offences (Directive (EU) 2015/413 – “CBE Directive”).

II. WORK AT OTHER INSTITUTIONS

The European Parliament designated the Committee on Transport and Tourism (TRAN) as the responsible committee on this proposal and Mr. Kosma ZLOTOWSKI (ECR, PL) as the rapporteur.

The European Economic and Social Committee adopted its opinion on the proposal at the 578th plenary session, on 27 April 2023.

III. WORK AT THE COUNCIL AND ITS PREPARATORY BODIES

The Working Party on Land Transport started its work on 2 March 2023 with a general presentation of the proposal. On 8 March 2023 the impact assessment was analysed. On 15 March, 5 April, 19 April and 3 May 2023, the Working Party continued with the detailed examination of the proposal.

IV. WORK TOWARDS A COMPROMISE

The Presidency presented a first non-paper (WK 4408/23) to steer the discussion on the proposal in the Working Party on 5 April 2023. On 14 April, the Presidency drafted a first compromise proposal (ST 7444/23) and examined this in the Working Party on 19 April. Based on the feedback on the first compromise, the Presidency prepared a second compromise text (ST 7444/1/23 REV 1) which was discussed on 3 May.

V. CONCLUSIONS

Based on the work carried out so far, the Presidency draws the following conclusions:

1. A majority of the Member States considers that the scope of the Directive could be extended with other traffic offences. Still, more work will be needed to delimitate the extension of the scope, in particular to include vehicle-access-regulated zones. It will also be important to secure the access to vehicle registration data by the competent authorities so as to ensure data protection and in particular to provide extra guarantees in those cases where private companies might be involved in the use and processing of the personal data obtained by the competent authorities. Most Member States are reluctant to include other traffic offences that are not related to road-safety or vehicle-access-regulated zones.

2. The following themes merit special attention:

- As regards the mutual assistance procedure for the identification of the liable person, it should be noted that this is of particular importance for Member States that have an objective liability system, which implies they can only hold the driver liable for the traffic offence committed with a vehicle registered in the Union. It needs to be further investigated how the administrative workload could be contained, as some Member States have expressed reservations on the potential workload related to assisting other Member States with identifying the driver.
- As regards the information that needs to be provided to the driver that was checked on the spot in a road control, it will be important to distinguish the content of the information to be provided and the way the information is transmitted depending on the specific situation. The information would need to be differentiated depending on the liability system, whether the offence is automatically detected or not and whether the payment can be done on the spot or not.
- Once the information on the offence has been transmitted to the presumed liable person, that person might need to contact the competent authority which might implicate an exchange of follow-up documents. In the proposal of the Commission this should be done in the language of the registration document of the presumed liable person, or any other official Union language chosen by the presumed liable person. While Member States recognise that it might be helpful to communicate in the language chosen by the presumed liable person as to guarantee a high level of protection of the fundamental rights, Member States still question the extent of administrative work and costs this might entail.

3. Additional technical and conceptual work on the Presidency compromise will be necessary in order to develop a position that could be supported by the Member States.

In the light of the above the Permanent Representatives Committee and the Council are invited to take note of this progress report on the work regarding the proposed revision of the CBE Directive.