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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	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 - Outcome of the European Parliament's first reading and Corrigendum procedure (Strasbourg, 24 April 2024 and 26 November 2024)

I. INTRODUCTION

In accordance with the provisions of Article 294 of the TFEU and the Joint Declaration on practical arrangements for the co-decision procedure¹, a number of informal contacts have taken place between the Council, the European Parliament and the Commission with a view to reaching an agreement on this legislative file at first reading.

This file was expected² to undergo the Corrigendum procedure³ in the European Parliament after adoption by the outgoing European Parliament of its position at first reading.

¹ OJ C 145, 30.6.2007, p.5.

² 10819/24 + COR 1.

³ Rule 251, EP Rules of Procedure.

II. VOTES

At its sitting of 24 April 2024, the European Parliament adopted amendment 75 (without legal linguistic revision) to the Commission proposal and a legislative resolution, constituting the European Parliament's position at first reading. It reflects what had been provisionally agreed between the Institutions.

After finalisation of the adopted text by the legal linguists, the European Parliament approved on 26 November 2024 a corrigendum to the position adopted at first reading.

With this corrigendum, the Council should be able to approve the position of the European Parliament as set out in the Annex⁴ hereto, thus bringing to a close the first reading for both Institutions.

The act would then be adopted in the wording which corresponds to the European Parliament's position.

⁴ The text of the corrigendum is set out in the Annex. It is presented in the form of a consolidated text, where changes to the Commission's proposal are highlighted in bold and italics. The symbol "■" indicates deleted text.

P9_TA(2024)0324

Cross-border exchange of information on road-safety related traffic offences

European Parliament legislative resolution of 24 April 2024 on the 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)0126 – C9-0034/2023 – 2023/0052(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0126),
- having regard to Article 294(2) and Article 91(1)(c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0034/2023),
- having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
- having regard to the opinion of the European Economic and Social Committee of 27 April 2023¹,
- after having consulted the Committee of the Regions,
- having regard to the provisional agreement approved by the committee responsible under Rule 74(4) of its Rules of Procedure and the undertaking given by the Council representative by letter of 20 March 2024 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
- having regard to Rule 59 of its Rules of Procedure,
- having regard to the report of the Committee on Transport and Tourism (A9-0396/2023),

¹ OJ C 228, 29.6.2023, p. 154.

1. Adopts its position at first reading hereinafter set out;
2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 24 April 2024 with a view to the adoption of Directive (EU) 2024/... 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

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1), point (c), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

After consulting the Committee of the Regions,

Acting in accordance with the ordinary legislative procedure²,

¹ OJ C 228, 29.6.2023, p. 154.

² Position of the European Parliament of 24 April 2024.

Whereas:

- (1) Directive (EU) 2015/413 of the European Parliament and of the Council³ facilitates the cross-border exchange of information on road-safety-related traffic offences and thereby lowers the impunity of non-resident offenders. An effective cross-border investigation of road-safety-related traffic offences and enforcement of sanctions improves road safety as it encourages non-resident drivers to commit fewer offences and drive more safely.
- (2) *The knowledge of Union citizens as regards the road-safety traffic rules in force, the applicable sanctions in the various Member States and the high probability of an unavoidable sanction promotes road safety and reduces the number of road-safety-related traffic offences and road traffic hazards.*

³ 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 (OJ L 68, 13.3.2015, p. 9).

- (3) The experience of enforcement authorities involved in the investigation of road-safety-related traffic offences has shown that the current wording of Directive (EU) 2015/413 fails in the facilitation of an effective investigation of the road-safety-related traffic offences committed by non-resident drivers and in the enforcement of financial penalties to the desired degree. That results in a relative impunity of non-resident drivers and has a negative impact on road safety in the Union. Furthermore, fundamental and procedural rights of non-resident drivers are not always respected in the context of cross-border investigations, in particular due to a lack of transparency in the setting of the amount of the financial penalties and in the appeal procedures. Therefore, this Directive aims to improve the effectiveness of the investigation of road-safety-related traffic offences committed with vehicles registered in a Member State other than the Member State where the offence was committed (“Member State of the offence”). This would help reach the Union’s goal of reducing the death toll across all modes of transport by bringing it close to zero by 2050 and strengthen the protection of fundamental and procedural rights of non-resident drivers.

- (4) In its EU Road Safety Policy Framework 2021-2030 – Next steps towards ‘Vision Zero’ of 19 June 2019, the Commission reiterated its commitment to the ambitious goal to get close to zero deaths and zero serious injuries on Union roads by 2050 (“Vision Zero”), and to the medium-term goal to reduce deaths and serious injuries by 50 % by 2030, a target originally set in the Valletta Declaration on Road Safety adopted by the Ministers of Transport of the Member States of the Union on 29 March 2017. In order to achieve those goals, the Commission, in its communication of 9 December 2020 entitled ‘Sustainable and Smart Mobility Strategy – putting European transport on track for the future’, announced its intent to revise Directive (EU) 2015/413.
- (5) The scope of Directive (EU) 2015/413 should be extended to other road-safety-related traffic offences to ensure the equal treatment of drivers. Considering the legal basis on which Directive (EU) 2015/413 was adopted, namely Article 91(1), point (c), of the Treaty on the Functioning of the European Union (TFEU), the offences to be added to that Directive should demonstrate a *direct* link to road safety by addressing dangerous and reckless behaviour, which poses a serious risk to road users. The extension of the scope of Directive (EU) 2015/413 should also reflect the technical progress in the automatic detection of road-safety-related traffic offences.

- (6) Road-safety-related traffic offences are classified either as administrative or criminal offences under national law. Therefore, depending on the applicable national procedures, such offences might give rise to proceedings brought by administrative or judicial authorities before courts having jurisdiction in administrative or criminal matters. *In most cases, such road-safety related traffic offences are pursued by Member States in the course of mass processing, which, in cases where the precise identification of the driver is required by the law of the Member State of the offence as a precondition for imposing the relevant sanction, prevents effective application and/or the issuance of a European Investigation Order. The conditions to issue a European Investigation Order set out in Article 6 of Directive 2014/41/EU of the European Parliament and of the Council⁴ are in most cases not met, and thus that Directive cannot be applied, in particular where the offences are qualified as administrative. In that context, national authorities of the Member State of the offence, in order to be able to identify offenders with the degree of certainty required by their national law, should have an effective procedure at their disposal to request mutual assistance from the relevant national authorities of the Member State where the vehicle with which the offence was committed is registered ('Member State of registration') or Member State of residence of the person concerned. That procedure should be based on well-defined measures, which do not seriously affect the rights of the persons concerned. However, this should be without prejudice to situations where in individual cases the conditions for applying Directive 2014/41/EU are deemed to have been fulfilled, in which case the procedures laid down in that Directive should be applied by those Member States that are bound by that Directive. It should be recalled that a specific Union legal framework regulates judicial cooperation in criminal matters, which is based on the principle of mutual recognition of judgments and judicial decisions. It is therefore necessary that the application of Directive (EU) 2015/413 as amended by this Directive does not undermine the rights and obligations of the Member States stemming from other applicable Union law in criminal matters, and in particular those laid down in Council Framework Decision 2005/214/JHA⁵ as regards mutual recognition of financial penalties and Directive 2014/41/EU as concerns the procedures for gathering of evidence, and Article 5 of the Convention established by the Council in*

⁴ Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).

⁵ Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16).

accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union⁶ as regards the procedures for sending and service of procedural documents. Furthermore, criminal proceedings demanding specific guarantees for the individuals concerned, the procedural safeguards for suspects and accused persons, enshrined in Directives 2010/64/EU⁷, 2012/13/EU⁸, 2013/48/EU⁹, (EU) 2016/343¹⁰, (EU) 2016/800¹¹ and (EU) 2016/1919¹² of the European Parliament and of the Council, should also not be affected by the implementation of Directive (EU) 2015/413.

- (7) The responsibilities and competences of national contact points should be defined to ensure that they seamlessly cooperate with **all** competent authorities involved in the investigation of the road-safety-related traffic offences which fall within the scope of Directive (EU) 2015/413 as amended by this Directive. National contact points should always be available for such **competent** authorities and answer their requests **without undue delay**. This should be the case regardless of the nature of the offence or the legal status of the **competent** authority, and in particular regardless of whether the **competent** authority has national or subnational or local competence.
- (8) The basics of the system of cross-border exchange of information established by Directive (EU) 2015/413 have proved to be effective. However, further improvements and adjustments are necessary to remedy issues resulting from lacking, erroneous or inaccurate

⁶ *OJ C 197, 12.7.2000, p. 3.*

⁷ *Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).*

⁸ *Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).*

⁹ *Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).*

¹⁰ *Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).*

¹¹ *Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).*

¹² *Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).*

data. Therefore, further obligations should be imposed on Member States regarding the need to keep certain data in the relevant databases available and up to date to increase the effectiveness of the information exchange.

- (9) *A number of Member States are now facing a phenomenon where serious road-safety-related traffic offences are being committed in cars rented in other Member States. The drivers of such rental cars who commit a road-safety-related traffic offence are going unpunished because they can exploit differences in rules between Member States, as well as shortcomings as regards the exchange of information and mutual assistance.*

- (10) *The national contact point of the* Member State of the offence should ■ be allowed to conduct automated searches in vehicle registers to retrieve data on end users of vehicles where such information is already available. Furthermore, a data retention period should be established as regards the identity of the previous holders, owners and end users of the vehicles to provide authorities with the appropriate information they need for the investigation.
- (11) The *person concerned might not be* familiar with the legal system of the Member State of the offence nor speak its official language or languages, and therefore the fundamental and procedural rights of persons concerned should be better safeguarded. In order to achieve that objective, mandatory minimum requirements for the content of the *traffic offence notice* should be established and the current template for the information letter that only contains basic information, as set out Annex II to Directive (EU) 2015/413, should no longer be used.

- (12) As a minimum, the **traffic offence notice** should *use wording that is understandable to those without legal training and* include detailed information on the legal classification and legal consequences of the road-safety-related traffic offence, in particular taking into account that the sanctions for the offences covered by the scope of Directive (EU) 2015/413 as amended by this Directive can be of a non-pecuniary nature, such as restrictions placed on the offender's right to drive. The rights of **defence** should also be supported by providing detailed information on where, **when** and how to exercise **those** rights **■** in the Member State of the offence. ***In that regard, non-residents should be given sufficient time to seek a remedy, for example appeal.*** A description of ***in absentia*** procedures should also be provided where applicable, as the **person concerned** may not plan to return to the Member State of the offence to participate in the proceedings. Payment options and ways to mitigate the volume of the sanctions should also be made easily understandable in order to incentivise voluntary cooperation. Finally, as the **traffic offence notice** should be the first document the **person concerned** receives, it should contain the information specified in Article 13 of Directive (EU) 2016/680 of the European Parliament and of the Council¹³, which, pursuant to Article 13(2), point (d), of that Directive should include information on the source from which the personal data originate, and information specified in Articles 13 and 14 of Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁴. This information should be provided in the **traffic offence notice** either directly or by way of reference to the place where it is made available. ***Member States need to help road users in verifying the authenticity of the traffic offence notices and follow-up documents. For this purpose, Member States need to share with each other and with the Commission through secure means the templates of traffic offence notices and templates of follow-up documents issued by their competent authorities, which are used in cross-border cases. Member States need also to inform each other on the competent authorities that have the right to issue those traffic offence notices and follow-up documents.***

¹³ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

¹⁴ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).

(13) Where a non-resident driver is checked on the spot in a roadside check, and such action leads to the initiation of follow-up proceedings in relation to a road-safety-related traffic offence, *a traffic offence notice should be sent to the non-resident driver. In the cases of on-the-spot checks in relation to a road-safety-related traffic offence committed by the non-resident driver and where the competent authority has enforced the sanction related to the committed offence by making the non-resident driver pay the fine on the spot, the non-resident driver should only be provided with certain essential elements of a traffic offence notice on the spot.*

(14) In order to ensure that the *person concerned* is the one that actually receives the *traffic offence notice* and any follow-up documents, and to avoid the erroneous involvement of non-concerned third parties, this Directive should lay down rules on service of the traffic offence notice and follow-up documents.

- (15) Both the *traffic offence notice* and any essential follow-up documents should be sent in the language of the registration document of the vehicle. *In those cases where a traffic offence notice* and follow-up documents *are* being sent out in a language the person concerned does not understand, *that person concerned should be allowed to request to receive the follow-up documents in one additional official language of the institutions of the Union of choice other than the language of the registration document of the vehicle. The competent authority of the Member State of the offence should grant this request.*

- (16) Effective legal review should be provided in cases where the *competent* authorities of the Member State of the offence do not comply with the language standards and rules on the service of documents laid down in this Directive and their respective national laws.

- (17) In cases where the *person concerned* cannot be identified with the degree of certainty required by the law of the Member State of the offence based on the information acquired from the vehicle register, Member States should cooperate in order to ascertain the identity of the *person concerned*. To that end, a mutual assistance procedure should be introduced aimed at identifying the *person concerned*, either through a request for confirmation, on the basis of information already held by the *competent authority of the* Member State of the offence, or through a request for a targeted enquiry to be conducted by the relevant *competent* authorities of the Member State of registration or Member State of residence.

- (18) *The competent authorities of the Member States should use a standard electronic form for the request and response for mutual assistance, in order to provide the additional information requested by the competent authority of the Member State of the offence necessary for the identification of the person concerned. Member States should use their national contact points in order to allow for a highly secure and efficient transfer of both the outgoing requests for mutual assistance and the incoming responses to them. The requested information should be gathered without any undue delay and in any case within the time limits referred to in this Directive. When gathering the information and responding to the request for assistance, the Member State of registration or Member state of residence that has received the request shall take into account both the need for the person concerned to be notified in due time and the need of the Member State of the offence that has made the request to be able to take the necessary steps in due time, in particular taking into account the statutes of limitation set out in the national law of the Member State of the offence.*

- (19) The *competent authority of* the Member State of registration or Member State of residence should specifically identify the grounds on the basis of which it can refuse the provision of mutual assistance for the identification of the *person concerned*. In particular, safeguards should be introduced to avoid revealing the identity of protected persons, such as protected witnesses, when providing mutual assistance.

- (20) Member States should be allowed to use the same national procedures *that* they would have used *if* the road-safety-related traffic offence were committed by one of their residents in order *to identify the person concerned who is not their resident*. Legal certainty should be reinforced as regards the applicability of specific measures taken under such procedures, namely concerning documents requiring the confirmation or denial of the commission of the offence or imposing obligations on persons concerned to cooperate in identifying the liable *person*. As those measures should have the same legal effects on the *persons concerned* as in domestic cases, those persons should also enjoy the same standards of fundamental and procedural rights.
- (21) Where Union or national law explicitly provides access to or the possibility to exchange information from other national or Union databases for the purposes of Directive (EU) 2015/413, Member States should have the possibility to exchange information by using such databases, while respecting the fundamental rights of non-resident persons concerned.

- (22) In the case where it is not possible to deliver documents by *post*, registered delivery, *registered mail* or electronic means of equal value, the *competent authority of the* Member State of the offence should be allowed to rely on the *competent authority of the* Member State of registration or Member State of residence to service the documents and communications to the person concerned under their own national law governing the service of documents. *Member States should use their national contact points in order to allow for a secure and efficient transfer of both the outgoing request to deliver procedural documents and the incoming response to it.*

- (23) *It is necessary to highlight that there is a significant problem of non-enforcement related to road-safety-related traffic offences committed by non-residents and that amendments to Article 1 of Council Framework Decision 2005/214/JHA which lays down the definition of a decision, might not be sufficient to tackle this problem effectively.*
- (24) *As Framework Decision 2005/214/JHA is not tailored to mass processing of road-safety-related traffic offences, for which small pecuniary sanctions are often qualified as administrative, and in order to ensure equal treatment of resident and non-resident drivers, specific provisions should be established in this Directive to provide Member States with the possibility to enforce administrative decisions on road traffic fines across borders and to provide mutual assistance for that enforcement. This does not preclude the application of the Framework Decision 2005/214/JHA.*

- (25) *The Commission, in cooperation with Member States, is to carry out a review of solutions for cross-border electronic access to registers of road-safety-related traffic offences managed by national authorities with a view to assessing ways to improve the access of citizens to the traffic offence notices and the follow-up documents that are addressed to them.*

- (26) The request to disclose vehicle registration data and the exchange of the data elements in cross-border cases should be carried out through a single electronic system. Therefore, building on the already existing technical framework, the automated searching of vehicle registration data under Directive (EU) 2015/413 should only be carried out through the *use of the highly secured* European Vehicle and Driving Licence Information System (EUCARIS) software application and amended versions of that software application. *That software* application should allow for the expeditious, cost-efficient, secure and reliable exchange of specific vehicle registration data between Member States, and therefore increase the efficiency of the investigation of the road-safety-related traffic offences. Member States should *not* exchange ■ information by other means, which would be less cost-efficient and may not ensure the protection of the transmitted data. *In the process of exchanging vehicle registration data, competent authorities might encounter abnormal requests that might lead to a suspicion of misuse of the information exchange process and require appropriate measures to be taken by competent authorities. Such abnormal requests might in particular be requests that are unusual in their frequency or content, that are sudden or that concern only specific offences. Member States should use EUCARIS specifically for automated searches of vehicle registration data and mutual assistance in identifying the person concerned, mutual assistance in the service of the traffic offence notice and follow-up documents and mutual assistance in enforcement activities.*

- (27) *In order to prevent the abusive practices which emerged during the implementation of Directive (EU) 2015/413 and to safeguard the fundamental rights of the citizens concerned by the cross-border proceedings established by that Directive as amended by this Directive, the Member States should ensure that their competent authorities and national contact points in charge of the implementation of Directive (EU) 2015/413 as amended by this Directive fully comply with the obligations assigned to them without empowering the privately owned or managed legal entities with the activities related to the implementation of this Directive. In particular, the right to the protection of the personal data of the persons concerned, the right to good administration, the right to an effective remedy and a fair trial, the right to presumption of innocence and the rights of defence, as well as the proper functioning of the cross-border information exchange mechanism established by Directive (EU) 2015/413 require that only the designated national competent authorities and national contact points are able to initiate, conduct and enforce procedures related to road-safety-related traffic offences. This is without prejudice to the possibility of competent authorities to rely on the technical support services provided by privately owned or managed legal entities, such as postal services, building or maintenance of the radars and the analysis of drug or alcohol use by the private laboratories. A transitional period of two years would allow the Member States, which had recourse to the privately owned or managed legal entities in the implementation of this Directive, to ensure that their competent authorities are fully operational and able to manage the procedures relating to the cross-border exchange in full respect with the rules set out in Directive (EU) 2015/413 as amended by this Directive.*

- (28) The scope of the information that Member States report to the Commission should be extended to include elements closely related to the objective of improving road safety and to include *information on the number of road-safety-related traffic offences committed by drivers of vehicles registered in a third country and detected by a competent authority of a Member State*. The aim of this extension is to enable the Commission to ■ analyse the state of play in the Member States and to propose initiatives on a sound factual basis. To offset the additional administrative burden on Member States' authorities and to align reporting with the Commission's evaluation calendar, the reporting period should be extended. A transitional period should be granted so that the ongoing two-year reporting period can end seamlessly.

- (29) *To attain the objectives put forward in the EU Road Safety Policy Framework 2021-2030 – Next steps towards ‘Vision Zero’, the question of how to address road-safety-related traffic offences committed by drivers of vehicles registered in a third country could be considered. To that end, different means for enhancing the cooperation and exchange of information on road-safety-related traffic offences between the Member States and third countries need to be explored, provided that equivalent protection is afforded to the persons concerned and that the rules on the transfer of personal data to third countries are respected. Dedicated digital solutions also need to be explored. This would be without prejudice to the right of Member States to conclude bilateral or multilateral agreements with third countries on cooperation in the enforcement of road-safety-related traffic offences.*
- (30) *This Directive should not preclude Member States from concluding and applying bilateral or multilateral agreements between them, in so far as such agreements would exceed and help to simplify or facilitate the procedures set out in this Directive.*

- (31) As data relating to the identification of the person concerned constitute personal data within the meaning of Regulation (EU) 2016/679 and Directive (EU) 2016/680, and as the Union legal framework on handling personal data has been amended significantly since the adoption of Directive (EU) 2015/413, the provisions on the processing of personal data should be aligned with the new legal framework.
- (32) Pursuant to Article 62(6) of Directive (EU) 2016/680, the Commission reviewed other legal acts adopted by the Union which regulate the processing of personal data by the competent authorities for the purposes set out in Article 1(1) of that Directive, in order to assess the need to align those acts with that Directive and to make, where appropriate, the necessary proposals to amend those acts to ensure a consistent approach with regard to the protection of personal data within the scope of that Directive. That review presented in the Commission communication of 24 June 2020 entitled “Way forward on aligning the former third pillar acquis with data protection rules” has led to the identification of Directive (EU) 2015/413 as one of those other acts that had to be amended. It should therefore be clarified in this Directive that the processing of personal data should also comply with Directive (EU) 2016/680, where the processing falls within its material and personal scope.

- (33) Any processing of personal data under Directive (EU) 2015/413 should comply with Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EU) 2018/1725¹⁵ where the processing falls within their respective material and personal scope.
- (34) The legal basis for the processing of the activities necessary to establish the identity of the *person concerned* and deliver the *traffic offence notice* and the follow-up documents to the *person concerned*, is laid down in Directive (EU) 2015/413, in line with Article 6(1), first subparagraph, point (e), and, where applicable, with Article 10 of Regulation (EU) 2016/679 and Article 8 of Directive (EU) 2016/680. In line with the same rules, this Directive lays down the legal basis for the Member States' obligation to process personal data for the purpose of providing mutual assistance to each other in identifying the persons *concerned*.

¹⁵ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC (OJ L 295, 21.11.2018, p. 39).

- (35) In some Member States, the personal data of ***non-resident persons concerned*** are stored in a network of servers ('cloud'). Without prejudice to the rules on personal data breach laid down in Regulation (EU) 2016/679 and Directive (EU) 2016/680, and on personal data breach and security incidents laid down in Directive (EU) 2022/2555 of the European Parliament and of the Council¹⁶, Member States should ensure that they inform each other on cybersecurity incidents related to those data.
- (36) The Commission should provide proportionate financial support to initiatives which improve the cross-border cooperation in the enforcement of road-safety-related traffic rules in the Union. ***Such support can also be provided for information campaigns throughout the Union on differences in national law, with a particular focus on neighbouring countries.***

¹⁶ Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, ***p. 80***).

- (37) An online portal ('CBE Portal') should be established to provide road users in the Union with comprehensive information on *the* road-safety-related traffic rules in force in the Member States. *Such information needs to be understandable and accessible. This information should cover information on legal remedies, on any rights afforded to the persons concerned under Directive (EU) 2015/413 as amended by this Directive, including language options, information on the data protection rules and on the applicable sanctions, including where relevant the applicable non-financial repercussions, and the schemes and available means for the payment of fines imposed in respect of road-safety-related traffic offences. Non-financial repercussions refer to penalty points systems or the fact that when committing a specific road-safety-related traffic offence, this can lead to a driving disqualification by means of a temporary or permanent withdrawal of the driving licence of the person concerned.*
- (38) *Member States should endeavour to ensure that the revenues generated from financial penalties for road-safety-related traffic offences, enforced under Directive (EU) 2015/413 as amended by this Directive, are used to increase road safety and to ensure transparency on road-safety measures.*

- (39) In order to take into account relevant technical progress or changes to relevant legal acts of the Union, the power to adopt acts in accordance with Article 290 TFEU should be delegated to the Commission in order to update the Annex to this Directive by amending it. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making ¹⁷. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.

¹⁷ OJ L 123, 12.5.2016, p. 1.

- (40) In order to ensure uniform conditions for the implementation of Directive (EU) 2015/413, implementing powers should be conferred on the Commission to establish the procedures, content and technical specifications, including cybersecurity measures, for the automated searches to be conducted in relation to the investigation of the road-safety-related traffic offences, the content of the standard electronic form for the request and the means of transmission of the information relating to the request for mutual assistance in identifying the *person concerned*, the content of electronic forms for the request for mutual assistance for the service of the *traffic offence notice* and of the follow-up documents ■ and the use and maintenance of the CBE Portal. The technical solutions should be aligned with the European Interoperability Framework and the relevant Interoperable Europe solutions referred to in Regulation (EU) 2024/903 of the European Parliament and of the Council¹⁸. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council¹⁹. However, until the implementing acts adopted by the Commission become applicable, transitional measures for the automated exchange of vehicle registration data based on the existing electronic system should be in place to guarantee seamless data exchanges.

¹⁸ Regulation (EU) 2024/903 of the European Parliament and of the Council of 13 March 2024 laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act) (OJ L, L/2024/903, 22.3.2024, ELI: <http://data.europa.eu/eli/reg/2024/903/oj>).

¹⁹ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

- (41) *Member States need to ensure that adequate and effective mechanisms are in place for the enforcement or recovery of financial penalties.*
- (42) Since the objectives of this Directive, namely to ensure a high level of protection for all road users in the Union and equal treatment of persons concerned by streamlining mutual assistance procedures between Member States in the cross-border investigation of road-safety-related traffic offences and by strengthening the protection of fundamental rights of non-resident persons concerned where those offences are committed with a vehicle registered in a Member State other than the Member State in which the offence took place, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.

- (43) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 and delivered an opinion on 24 April 2023.
- (44) Directive (EU) 2015/413 should therefore be amended accordingly,

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HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive (EU) 2015/413 is amended as follows:

(1) *The title of the Directive is replaced by the following:*

‘Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information and mutual assistance on road-safety-related traffic offences’;

(2) *Article 1 is replaced by the following:*

‘Article 1
Objective

This Directive aims to ensure a high level of protection for all road users in the Union by facilitating the cross-border exchange of information on road-safety-related traffic offences and by facilitating the enforcement of sanctions, where those offences are committed with a vehicle registered in a Member State other than the Member State in which the offence took place.’;

(3) Article 2 is amended as follows:

(a) the existing paragraph is numbered as paragraph 1;

(b) in paragraph 1, the following points are added:

‘(i) failing to keep *a safe* distance from the vehicle in front;

(j) dangerous overtaking;

(k) dangerous parking *or stopping*;

(l) crossing one or more solid ■ lines;

(m) wrong-way driving;

(n) failing to respect the rules on the creation and use of emergency corridors *or on giving way to emergency service vehicles*;

(o) using an overloaded vehicle;

(p) *failing to respect the rules on vehicle-access restrictions*;

(q) *hit-and-run*;

(r) *failing to respect the rules at a railway level-crossing.*’;

(c) in paragraph 1, the following subparagraph is added:

‘By way of derogation from point (p) of the first subparagraph, this Directive does not apply to conduct that constitutes a failure to respect the rules on vehicle-access restrictions, in the following cases:

(a) the information on the boundaries of restrictions, prohibitions or obligations with zonal validity, current access status and conditions for circulation in vehicle-access-restricted zones and data on permanent vehicle-access restrictions were not created and made accessible via the national access point, in accordance with Commission Delegated Regulation (EU) 2022/670*;

(b) the driver fails to respect the rules related to charges and other fees that are to be paid before entering an area subject to vehicle-access restrictions.

* *Commission Delegated Regulation (EU) 2022/670 of 2 February 2022 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 122, 25.4.2022, p. 1).’;*

(d) the following paragraph is added:

‘2. This Directive shall not affect the rights and obligations stemming from the following provisions of Union legal acts:

- (a) Council Framework Decision 2005/214/JHA*;
- (b) Directive 2014/41/EU of the European Parliament and of the Council**;
- (c) the procedures for the service of procedural documents laid down in Article 5 of the Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union***;
- (d) the provisions concerning the rights of suspects and accused persons laid down in Directives 2010/64/EU****, 2012/13/EU*****, 2013/48/EU*****, (EU) 2016/343*****, (EU) 2016/800***** and (EU) 2016/1919 of the European Parliament and of the Council*****.

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- * Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16).
 - ** Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).
 - *** OJ C 197, 12.7.2000, p. 3.
 - **** Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).
 - ***** Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).
 - ***** Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).
 - ***** Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).
 - ***** Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).
 - ***** Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p. 1).’;

(4) Article 3 is amended as follows:

(a) *point (a)* is replaced by the following:

‘(a) “vehicle” means any means of transport subject to registration according to the law of the Member State of registration or Member State of the offence which is normally used for carrying persons or goods by road, including vehicle combinations or trailers;’;

(b) *point (j)* is replaced by the following:

‘(j) “use of a forbidden lane” means illegally using part of an already existing permanent or temporary road section, ■ as defined in the law of the Member State of the offence;’;

(c) *point (l)* is replaced by the following:

‘(l) “national contact point” means the authorities designated for the purposes of the automated exchange of incoming requests and outgoing responses of vehicle registration data, the incoming and outgoing requests for mutual assistance to identify the person concerned, the incoming and outgoing requests for mutual assistance to send the traffic offence notice or the follow-up documents to the person concerned and the incoming and outgoing requests and responses for mutual assistance in enforcement of final administrative decisions on road traffic fines imposed for road-safety-related traffic offences;’;

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(d) the following points are added:

- ‘(o) “failing to keep *a safe* distance from the vehicle in front” means not maintaining *sufficient* distance *from* the vehicle in front ■ , as defined in the law of the Member State of the offence;
- (p) “dangerous overtaking” means overtaking another vehicle or another road user in a way that infringes the applicable rules on *overtaking, as defined in the law of* the Member State of the offence;

- (q) “dangerous parking or stopping” means parking *or stopping* the vehicle in a way that infringes the applicable rules on *parking or stopping in a dangerous way, as defined in the law of* the Member State of the offence; failure to pay parking fees and other similar offences is not considered to be dangerous parking or stopping;
- (r) “crossing one or more solid ■ lines” means changing lanes with the vehicle illegally crossing at least one solid ■ line, as defined in the law of the Member State of the offence;
- (s) “wrong-way driving” means driving a vehicle against the designated direction of traffic, as defined in the law of the Member State of the offence;
- (t) “failing to respect the rules on the creation and use of emergency corridors *or on giving way to* emergency *service* vehicles” *means not complying with the applicable rules* to enable emergency service vehicles, such as police vehicles, rescue vehicles or fire trucks, to pass through and arrive to the site of emergency, as defined in the law of the Member State of the offence;

- (u) “using an overloaded vehicle” means using a vehicle that does not comply with the requirements set for its maximum authorised weight *or maximum authorised axle weight*, as laid down in the national laws, regulations or administrative provisions transposing Council Directive 96/53/EC*, or in the law of the Member State of the offence for vehicles or operations for which no such requirements are set in that Directive;
- (v) “*traffic offence notice*” means the first decision or any other document *issued* by the *competent authority of* the Member State of the offence *to the person concerned*;
- (w) “follow-up document” *means any decision* or any other document that the *competent authority* of the *Member State of the offence* issues after the *traffic offence notice* in connection to that *notice* or to the road-safety-related traffic offence in question, until the stage of appeal before a competent *authority with the power to adopt legally binding decisions*;

- (x) “**person concerned**” means a person who is *identified in accordance with the law of the Member State of the offence as personally liable for a road-safety-related traffic offence listed in Article 2(1) or the holder, owner end user or driver of the vehicle with which a road-safety-related traffic offence listed in Article 2(1) was committed, even if not identified as personally liable* in accordance with the national law of the Member State of the offence;
- (y) “end user” means any **person** who is not the holder or the owner of the vehicle, *but another person indicated in the vehicle register of the Member State of registration, who is allowed to use that vehicle or be responsible for its day-to-day operation*, in particular under a long-term lease or rental contract or as part of a vehicle fleet available to employees;
- (z) “Member State of residence” means any Member State that can be assumed to a reasonable degree of certainty to be the place of *normal* residence of the *person concerned*;

- (aa) *“failing to respect the rules on vehicle-access restrictions” means not respecting clearly and visibly demarcated access regulations set for all or certain vehicle categories for the purposes of road safety, such as pedestrian and school zones, and cycling lanes, as defined in the law of the Member State of the offence;*

- (ab) *“hit-and-run” means a situation in which the driver drives away after causing an accident or traffic collision in order to avoid facing the consequences of the accident or traffic collision, as defined in the law of the Member State of the offence;*
- (ac) *“failing to respect the rules at a railway level-crossing” means failing to stop at a railway level-crossing or acting in a dangerous way at a railway level-crossing, as defined in the law of the Member State of the offence;*

(ad) *“competent authority” means the authority responsible for the registration of vehicles or driving licences, for the initiation of the follow-up proceedings or the investigation of road-safety-related traffic offences listed in Article 2(1) or for the enforcement of relevant sanctions, in accordance with the law of its Member State.*

* *Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59).*

** *Commission Delegated Regulation (EU) 2022/670 of 2 February 2022 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 122, 25.4.2022, p. 1).’;*

(5) the following article ■ is inserted:

‘Article 3a

National contact points

1. ■ Each Member State shall designate ***one or more*** national contact points ***for:***
 - (a) ***the automated exchange of vehicle registration data (VRD) in accordance with Article 4;***
 - (b) ***incoming and outgoing requests and responses for mutual assistance to identify the person concerned in accordance with Article 5c;***
 - (c) ***incoming and outgoing requests and responses for mutual assistance to serve the traffic offence notice or follow-up documents to the person concerned in accordance with Article 5e; and***
 - (d) ***incoming and outgoing requests and responses for mutual assistance to enforce final administrative decisions on road traffic fines imposed for road-safety-related traffic offences in accordance with Article 5f.***

The powers of the national contact points shall be governed by the applicable law of the Member State concerned.

2. Member States shall ensure that their respective national contact points cooperate with each other in order to ensure that all necessary information is shared in due time, and that the time limits laid down in Article 5a(2) and Article 5c(7) and (8) are complied with.’;

(6) Article 4 is replaced by the following:

‘Article 4

Procedures for the exchange of VRD and mutual assistance between Member States

1. For the investigation of road-safety-related traffic offences listed in Article 2(1) ***detected on the territory of the Member State of the offence, the Member State of registration*** shall grant to ***the*** national contact points ***of the Member State of the offence*** access to the following national VRD, with the power to conduct automated searches thereon:
 - (a) data relating to vehicles;
 - (b) data relating to ***holders and, where available, owners and*** end users of the vehicles **■** .

The data elements referred to in the first subparagraph, points (a) and (b), which are necessary to conduct a search shall be those set out in the Annex.

2. *The Member State of the offence shall ensure that only its competent authorities have access to the VRD via its national contact points.* When conducting a search in the form of an outgoing request, the *competent authority* of the Member State of the offence shall use the full registration number of the vehicle.

The competent authority of the Member State of the offence shall ensure that each outgoing request includes the name of the competent authority making the request, the username of the person handling the request and the case number of the request.

3. *In order to establish whether a relevant road-safety-related traffic offence has been committed with a vehicle, the competent authority of the Member State of the offence may first request access, via its national contact point, to the technical data relating to vehicles listed in Section 2, Parts I and II, of the Annex, and only to that technical data.*

Where it is established that a road-safety-related traffic offence has been committed with a vehicle, the competent authority of the Member State of the offence may subsequently request access, via its national contact point, to the personal data relating to the person concerned listed in Section 2, Part I and Parts III to VI, of the Annex.

4. *The Member State of the offence shall use the data obtained in the investigation of the road-safety-related traffic offences listed in Article 2(1) in order to establish the identity of the person who is personally liable for those road-safety-related traffic offences as defined in the law of the Member State of the offence.*

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5. *The national contact point of the Member State of registration shall ensure that, when accessing VRD, the competent authorities of the Member State of the offence receive a specific message informing them, in at least the following cases, that:*
- (a) *at the time of the offence, the vehicle was recorded as destroyed;*
 - (b) *at the time of the offence, the vehicle was recorded as stolen in any national register;*
 - (c) *at the time of the offence, the vehicle ■ registration plate was recorded as stolen in any national register;*
 - (d) *at the time of the offence, no information of the vehicle can be found in any national register;*
 - (e) *the search input has been detected as not correct, based on some national syntax requirements;*
 - (f) *the requested information cannot be disclosed if it would reveal the identity of a person protected in accordance with the law of the Member State of registration.*

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6. *The national contact point of the Member State of registration shall ensure that only the personal data elements related to the road-safety-related traffic offence committed are shared.*
7. *For mutual assistance in accordance with Article 5c, 5e or 5f, the competent authorities of the Member States shall ensure that every request for mutual assistance includes the name of the competent authority making the request, the username of the person handling the request and the case number of the request.’;*

(7) the following article ■ is inserted:

‘Article 4a

National vehicle registers

- 1. Member States shall ensure that the data elements listed in Section 2, Parts I to III and V, of the Annex, where available in their national vehicle registers, are up to date.***
- 2. Member States shall, for the purposes of this Directive, retain the data elements listed in Section 2, Parts V and VI, of the Annex, where available, in the national vehicle register for at least 12 months after any modification of the holder , owner or end user of the vehicle, and no longer as necessary, as defined in the law of the Member States.’;***

(8) Article 5 is replaced by the following:

‘Article 5

Traffic offence notice

- 1. The competent authority of*** the Member State of the offence shall decide whether or not to initiate follow-up proceedings in relation to road-safety-related traffic offences listed in Article 2(1).

Where the ***competent authority of the*** Member State of the offence decides to initiate such proceedings, that ***competent authority*** shall, within the time limit set out in Article 5a(2), issue ***a traffic offence notice*** informing the ***person concerned*** about the road-safety-related traffic offence and, ***where appropriate***, of the decision to initiate follow-up proceedings.

The ***traffic offence notice*** may serve purposes other than those set out in the second subparagraph ***that are needed for enforcement, such as a request for the disclosure of the identity and address of the person liable for the road-safety-related traffic offence, an inquiry regarding whether the person concerned admits or denies the commission of the road-safety-related traffic offence or a request for payment.***

2. The *traffic offence notice* shall contain at least the following information:
- (a) an indication that the *traffic offence notice* is issued for the purposes of this Directive;
 - (b) the name, postal address, telephone number and email address of the competent authority *of the Member State of the offence*;
 - (c) all relevant information concerning the road-safety-related traffic offence, in particular data on the vehicle with which the offence was committed, including the vehicle registration number, the place, date and time of the offence, the nature of the offence, detailed reference to the legal provisions infringed and, where appropriate, data concerning the device used for detecting the offence;
 - (d) detailed information on the legal classification of the road-safety-related traffic offence, the applicable sanctions and other legal consequences of the road-safety-related traffic offence, including information related to driving disqualifications (including penalty points or other restrictions imposed on the right to drive), in accordance with the law of the Member State of the offence;

- (e) detailed information on where, when and how to exercise rights of defence or on where, when and how to appeal the decision to pursue the road-safety-related traffic offence, including the requirements for the admissibility of such an appeal and the time limit for lodging the appeal, and on whether and under what conditions in absentia procedures apply, in accordance with the law of the Member State of the offence;
- (f) where applicable, information on *measures taken to identify the person concerned in accordance with Article 5d and the consequences of non-cooperation*;
- (g) where applicable, detailed information on the name, address and International Bank Account Number (IBAN) of the authority where an imposed financial penalty can be settled, on the deadline for the payment and on *viable* alternative *and accessible* payment methods, in particular specific software applications, as long as those methods are accessible to both residents and non-residents;

- (h) ***clear and comprehensive*** information on the applicable data protection rules and the rights of the data subjects, ***including an indication*** of the place from which it is possible to retrieve the ■ information ***provided*** pursuant to Article 13 of Directive (EU) 2016/680 of the European Parliament and of the Council*, or pursuant to Articles 13 and 14 of Regulation (EU) 2016/679 of the European Parliament and of the Council**, including information on the source from which the personal data originate, ***or an indication that the generally applicable data protection rules are available on the CBE Portal referred to in Article 8 of this Directive;***
- (i) where applicable, detailed information on whether and how the sanctions for road-safety-related traffic offences listed in Article 2(1) can be mitigated, including by early payment of a financial penalty;
- (j) ***during the transitional period referred to in Article 5h(2), and*** where applicable, a clear indication that the private legal ■ entity which sends the traffic offence notice is empowered by the competent authority of the Member State of the offence, as referred to in Article 5h(1), and a clean delineation between the amounts of monies claimed, based on their legal ground;
- (k) ***a link and, if possible, a QR code to the CBE Portal referred to in Article 8.***

3. *The competent authority of the Member State of the offence* shall ensure that *a non-resident driver receives a traffic offence notice referred to* in paragraph 2, where:

- (a) the non-resident driver was checked on the spot in a roadside check; *and*
- (b) *the competent authority of the Member State of the offence has not enforced the sanction related to the committed offence on the spot.*

The traffic offence notice shall be sent to the non-resident driver, in accordance with Article 5a(1) and (2).

4. *The competent authority of the Member State of the offence shall ensure that, where a non-resident driver was checked on the spot in a roadside check and where that competent authority has enforced the sanction related to the committed offence on the spot, that non-resident driver receives at least the following:*
- (a) a receipt for the financial transaction or a financial penalty charge notice to be paid within a specific period of time;*
 - (b) contact information of the competent authority;*
 - (c) information on the offences committed and, if relevant, how to ensure compliance in the future;*
 - (d) if possible, a link or a QR code to the CBE Portal referred to in Article 8.*

The documents and information referred to in the first subparagraph shall be provided in one of the official languages of the Member State of the offence or any other official language of the institutions of the Union deemed appropriate by the competent authority of the Member State of the offence.

5. At the request of the *person concerned, and in accordance with the law of the Member State of the offence, the competent authority of the* Member State of the offence shall ensure that access is granted to all **■** information in its possession *related to* the investigation of a road-safety-related traffic offence listed in Article 2(1). *The competent authority of the Member State of the offence may consider such request as a request to seek a remedy against the imposed sanction, in which case it shall inform the person concerned in a clear and concise way in the traffic offence notice that this is the case and of the legal and procedural implications of such a request.*

6. Member States shall ensure that the start of the time limits for non-residents to exercise their rights of appeal or to mitigate sanctions, in accordance with paragraph 2, points (e) and (i) respectively, *is proportionate to ensure the effective exercise of such rights and* corresponds to the date of *postal or electronic dispatch or* receipt of the *traffic offence notice or the official decision on the liability of the person concerned*.

* Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA (OJ L 119, 4.5.2016, p. 89).

** Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data and repealing Directive 95/46/EC (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1).’;

(9) The following articles ■ are inserted:

‘Article 5a

Service of the traffic offence notice and follow-up documents

1. ***The competent authority of the Member State of the offence*** shall send the ***traffic offence notice*** and the follow-up documents to the ■ persons ***concerned by post***, registered delivery, ***registered mail*** or electronic means of equal value in accordance with Chapter III, Section 7, of Regulation (EU) No 910/2014 of the European Parliament and of the Council*, ***in accordance with the law of the Member State of the offence.***
2. ***The traffic offence notice addressed to the holder, owner or end user of the vehicle shall be issued no later than 11 months after the road-safety-related traffic offence where the automated searches referred to in Article 4(1) were successful and the competent authority of the Member State of the offence has established the identity and address of the holder, owner or end user of the vehicle to the degree of certainty required by its national law.***

Where the automated searches referred to in Article 4(1) were not successful or the competent authority of the Member State of the offence was unable to establish the identity and address of the holder, owner or end user of the vehicle with the degree of certainty required by its national law, the traffic offence notice shall be issued no later than 5 months after the competent authority of the Member State of the offence has established this information.

3. *Member States are encouraged to permit persons concerned to connect remotely to court proceedings by video link.*

Article 5b

Translation of the traffic offence notice and essential follow-up documents

1. *Where the competent authority of the Member State of the offence decides to initiate follow-up proceedings in relation to road-safety-related traffic offences listed in Article 2(1), it shall issue the traffic offence notice and any essential follow-up documents in the language of the registration document of the vehicle.*

For the purposes of this Article, the competent authorities of the Member State of the offence shall decide whether a follow-up document is essential. However, the competent authorities shall take into account the fact that the person concerned needs to understand the accusations and be able to fully exercise the rights of defence. This includes, in particular, all relevant information concerning the offence, the nature of the offence committed, the sanction imposed, the legal remedies available against that decision, the time limit laid down for that purpose and the identification of the body before which the appeal must be lodged.

2. *In any given case, the competent authorities of the Member State of the offence shall decide whether any other document is essential.*

3. *There shall be no requirement to translate parts of essential documents which are not relevant for the purpose of enabling persons concerned to have knowledge of the case against them. The competent authorities shall decide whether those parts are relevant for those purposes taking into account the elements referred to in paragraph 1, second subparagraph.*
4. *At the request of the person concerned, the competent authority of the Member State of the offence shall allow that person to receive the follow-up documents in one additional official language of the institutions of the Union that is not the language of the registration document of the vehicle.*
5. *Member States shall ensure that the quality of the translation of the traffic offence notice and of the follow-up documents is at least of the quality required under Article 3(9) of Directive 2010/64/EU.*
6. *The Member State of the offence shall ensure that, at the request of the person concerned, the competent authority concerned reviews, effectively and rapidly, a traffic offence notice or a follow-up document issued to that person, on the grounds that that traffic offence notice or that follow-up document does not comply with this Article, Article 5, Article 5a or Article 5e.*

Article 5c

Mutual assistance in identifying the person concerned


1. Member States shall provide mutual assistance to each other where *the competent authorities* of the ■ Member State of the offence, *after having exhausted all other means available to them, in particular after having conducted an automated search in accordance with Article 4(1); and consulted other databases explicitly allowed to be consulted in accordance with Union and national legislation, still cannot identify the person concerned to the degree of certainty required by its national law to initiate or conduct the follow-up proceedings referred to in Article 5(1).*

2. *Member States shall provide mutual assistance to one another under this Article. However, if, after the assessment of the circumstances of individual cases, it is determined that the conditions set out in Article 6 of Directive 2014/41/EU are fulfilled, the Member States bound by that Directive may only apply that Directive between themselves.*

3. *The competent authority of the Member State of the offence shall decide whether to request mutual assistance to obtain additional information referred to in paragraph 5 .*

The request for mutual assistance may be *initiated* only by *the competent* authority of the Member State of the offence, *in accordance with the law of that Member State*.

The competent authority of the Member State of the offence shall use the data obtained by mutual assistance in order to establish the identity of the person who is personally liable for the road-safety-related traffic offence listed in Article 2(1) committed on the territory of the Member State of the offence.

4. Where the *competent authority of the* Member State of the offence has decided to request mutual assistance in accordance with paragraph 1, *it shall* send an electronically structured  request *via* its national contact point to the national contact point of the Member State of registration or Member State of residence.

5. *The competent authority of* the Member State of the offence may request the Member State of registration or Member State of residence:

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- (a) *to establish the identity and address of the person concerned, in accordance with the law of the Member State of registration or Member State of residence, including by using national databases such as driving licence registers or population registers;*
- (b) *to ask the holder, owner or end user of the vehicle with which the road-safety-related traffic offence was committed to provide information on the identity, address and, where available, other contact details of the person liable for the road-safety-related traffic offence, in accordance with the national procedures of the Member State of registration or Member State of residence, which are to be applied as if the investigative measure concerned were ordered by that Member State's own authorities.*

6. The *electronically structured* request ■ shall *include the following information:*

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- (a) data elements relating to the *person concerned* obtained as a result of the automated search conducted in accordance with Article 4(1);
- (b) if available, the visual recording of the *driver* retrieved from detection equipment, in particular speed cameras;
- (c) *data relating to the road-safety-related traffic offence, listed in Article 2(1);*
- (d) *data relating to the vehicle with which the road-safety-related traffic offence was committed;*
- (e) *a reason for the request for mutual assistance.*

7. **■** Unless they decide to invoke one of the grounds for refusal listed in paragraph 8 or it is not possible to gather the requested information, *the competent authorities of the Member State of registration or Member State of residence shall gather the requested information referred to in paragraph 5, without any undue delay.*

Without *any* undue delay *and no later than 2 months from the day that the competent authority of the Member State of registration or Member State of residence has gathered the requested information, it shall respond to the request electronically via its national contact point.*

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The competent authority of the Member State of registration or Member State of residence shall comply with the formalities and procedures expressly requested by the competent authority of the Member State of the offence, when gathering the requested information, to the extent that they are not incompatible with their national legislation.

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8. *The competent authority of the Member State of registration or Member State of residence* may refuse to provide the requested additional information referred to in paragraph 5. It shall do so only in one or more of the following cases:
- (a) there is an immunity or a privilege under the law of the Member State of the registration or Member State of residence, which makes it impossible to provide the information;
 - (b) providing the requested information would be contrary to the principle of *ne bis in idem*;
 - (c) providing the requested information *would jeopardise an ongoing investigation of a criminal offence*;
 - (d) providing the requested information would *be contrary to or would harm the essential interests of the national security of the Member State of registration or Member State of residence*, jeopardise the source of the information or involve the use of classified information relating to specific intelligence activities;
 - (e) there are substantial grounds to believe that providing the requested information would be incompatible with the obligations of the Member State *of registration or Member State of residence* in accordance with Article 6 of the Treaty on European Union and the Charter of Fundamental Rights of the European Union;

- (f) providing the requested information would *jeopardise the safety of an individual or* reveal the identity of a person protected in accordance with the law of the Member State of registration or Member State of residence.

No later than 2 months from the day when the competent authority of the Member State of registration or Member State of residence decides to apply a ground for refusal, or establishes that it is not possible to gather the requested information, it shall inform the Member State of the offence thereof via its national contact point. The competent authority of the Member State of registration or Member State of residence may decide not to specify which ground of refusal it applies in the cases referred to in the first subparagraph, points (c), (d) and (f).

Article 5d

National measures facilitating the identification of the liable person

1. Member States can take any measures, in relation to road-safety-related traffic offences listed in Article 2(1), set out in their national law to successfully identify the person liable for the road-safety-related traffic offence ('liable person'), such as measures related to the obligation *of the holder, owner or end user of a vehicle* to cooperate in the identification of the liable person, provided that fundamental and procedural rights under Union and national law are respected.
2. ***The competent authorities*** may, in particular:
 - (a) serve documents to persons ***concerned in relation to*** road-safety-related traffic offences listed in Article 2(1), including documents asking ***the*** persons ***concerned*** to confirm their liability ***for the road-safety-related traffic offences***;
 - (b) apply obligations, ***including related sanctions***, placed on ***persons concerned*** which are relevant to the identification of the liable person, to the furthest possible extent.

Article 5e

Mutual assistance in the service of the traffic offence notice and follow-up documents

- 1. The competent authority of the Member State of the offence may send the traffic offence notice or follow-up documents to the persons concerned via the competent authorities of the Member State of registration or Member State of residence, in the following cases:*
 - (a) the address of the person for whom the document is intended is unknown, incomplete or uncertain;*

- (b) *the procedural rules under the law of the Member State of the offence require proof of service of the document, other than proof that can be obtained by post, registered delivery, registered mail or by equivalent electronic means referred to in Article 5a(1);*
- (c) *it has not been possible to serve the document by post, registered delivery, registered mail or by equivalent electronic means referred to in Article 5a(1);*
- (d) *the Member State of the offence has justified reasons for considering that the service of the document by post, registered delivery, registered mail or by equivalent electronic means referred to in Article 5a(1) in that particular case will be ineffective or is inappropriate.*

The competent authorities of the Member State of the offence and of the Member State of registration or the Member State of residence shall communicate with each other via their respective national contact points.

2. *The Member State of registration or Member State of residence shall ensure that the traffic offence notice and the follow-up documents that are to be served in accordance with paragraph 1 are served either in accordance with their national law, or, when duly justified, by a particular method requested by the Member State of the offence, unless such method is incompatible with their national law.*
3. *The Member State of registration or Member State of residence shall ensure that their competent authority provides an electronically structured response including:*
 - (a) *where the delivery is successful, the date of service and data about the person receiving the document;*
 - (b) *where the delivery is not successful, a reason for failing to deliver the traffic offence notice or the follow-up document.*

The response of a successful delivery shall be considered as a proof of service of the document.

Article 5f

Mutual assistance in enforcement activities

- 1. Member States shall provide enforcement assistance to each other in the case of non-payment of a road traffic fine imposed for the commission of a road-safety-related traffic offence listed in Article 2(1).*
- 2. After the service of the traffic offence notice to the person concerned and in the case of non-payment of a road traffic fine imposed by the competent authority of the Member State of the offence, that competent authority may request the competent authority of the Member State of registration or Member State of residence to assist in the enforcement of administrative decisions on road traffic fines related to road-safety-related traffic offences listed in Article 2(1).*
- 3. The request referred to in paragraph 2 shall be made only if all of the following conditions are met:*
 - (a) the decision on a road traffic fine is of an administrative nature, final and enforceable according to the applicable laws and regulations of the Member State of the offence;*
 - (b) the Member State of the offence is in possession of a proof of service to the person concerned of the request for the payment of the road traffic fine;*

- (c) *the person concerned was informed of and had an opportunity to exercise the legal remedies against the administrative decision imposing a road traffic fine according to the applicable laws and regulations of the Member State of the offence;*
 - (d) *the road traffic fine is higher than EUR 70.*
4. *The competent authority of the Member State of the offence shall, via its national contact point, send the request referred to in paragraph 2 to the Member State of registration or Member State of residence in an electronically structured form.*

5. *If the person concerned can demonstrate that the payment of the road traffic fine has been made, the competent authority of the Member State of registration or Member State of residence shall promptly notify the competent authority of the Member State of the offence about this.*
6. *The competent authorities of the Member State of registration or Member State of residence shall recognise the administrative decision on a road traffic fine which has been sent pursuant to this Article without any further formality being required and shall forthwith take all the necessary measures for its enforcement unless that competent authority decides to invoke one of the grounds for non-recognition or non-enforcement provided for in paragraph 8.*
7. *The enforcement of the decision on a road traffic fine shall be governed by the laws and regulations applicable in the Member State of registration or Member State of residence.*

8. *The competent authority of the Member State of registration or Member State of residence may refuse to recognise and enforce the administrative decision on a road traffic fine. It shall do so only if it has established any of the following:*
- (a) the enforcement of the decision on a road traffic fine would be contrary to the principle ne bis in idem;*
 - (b) there is immunity under the law of the Member State of registration or Member State of residence, which makes it impossible to enforce the administrative decision on a road traffic fine;*
 - (c) the decision on a road traffic fine is no longer enforceable under the law of the Member State of registration or Member State of residence due to lapse of time;*
 - (d) the decision on a road traffic fine is not final;*
 - (e) the decision on a road traffic fine or at least its essential content is not translated as provided for in Article 5b;*
 - (f) the request is incomplete and cannot be completed by the competent authorities of the Member State of the offence;*

- (g) the infringement of *fundamental rights or fundamental legal principles as enshrined in the Charter of Fundamental Rights of the European Union*.

If a request is rejected, the competent authority of the Member State of the registration or the Member State of the residence shall notify the competent authority of the Member State of the offence, stating the reasons for the rejection.

9. *The sum of money obtained from the enforcement of the decision on a road traffic fine shall accrue to the Member State of registration or Member State of residence unless otherwise agreed between the Member State of the offence and the Member State of registration or Member State of residence. The money shall be accrued in the currency of the Member State of registration or Member State of residence, whichever of those Member States has received the request.*
10. *Paragraphs 1 to 9 of this Article shall not preclude the application of Framework Decision 2005/214/JHA, bilateral or multilateral agreements or arrangements between Member States in so far as such agreements or arrangements help to simplify or facilitate further the procedures for the enforcement of financial penalties falling under the scope of this Directive.*

Article 5g

Technical specifications for the exchange of VRD and mutual assistance

1. *Member States shall use a specifically designed and highly secured software application of the European Vehicle and Driving Licence Information System (EUCARIS) in its up-to-date version to exchange the information or process the mutual assistance, in accordance with Article 3a(1).*

Member States shall ensure that the processing of data is secure, cost-efficient, expeditious and reliable, and carried out by interoperable means within a decentralised structure.

2. *Information exchanged via EUCARIS shall be transmitted in encrypted form.*
3. *By ... [one year of the entry into force of this amending Directive], the Commission shall adopt implementing acts to establish the procedures, content and technical software specifications, including cybersecurity measures for the electronically structured requests and responses related to Article 3a(1), point (a), and the means of transmission of the information for the processing of mutual assistance, including the use of uniform templates, and procedures as set out in Articles 4, 5c, 5e and 5f. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).*

4. *When establishing the implementing acts, the Commission shall take into account the following considerations:*
- (a) *the competent authorities are to have the possibility to identify direct and indirect access when the request does not come from a known member of the electronic communication platform;*
 - (b) *the competent authorities are to have the possibility to consult the requests in order to guarantee that they are duly justified and comply with the requirements of this Directive;*
 - (c) *the need to establish processes to enable Member States to take appropriate measures in response to automatic alerts and to abnormal requests, in order to mitigate the risks for the data, as well as to organise the cooperation between Member States on risk monitoring, management and mitigation, in particular for not sending data in response to abnormal requests as a derogation to Article 4(1);*
 - (d) *the Member State of registration is to have the possibility to request the details of the road-safety-related traffic offence prior to the transmission of the registration data to the Member State of the offence, and to refuse the transmission of the registration data if the Member State of the offence does not reply to that request within one month;*
 - (e) *the need for a journal of consultations leading to automatic alerts to the members in the case of abnormal requests;*

- (f) *where the competent authorities are to have the possibility to exchange data in synchronous single mode and where they are to have the possibility to exchange data in asynchronous batch mode.*
5. *Until the implementing acts referred to in paragraph 3 of this Article become applicable, the automated searches referred to in Article 4(1) of this Directive shall be conducted in compliance with the procedures described in Chapter 3, points 2 and 3, of the Annex to Council Decision 2008/616/JHA **, applied jointly with the Annex to this Directive.*
6. *Each Member State shall bear its own costs arising from the administration, use, maintenance and updates of the EUCARIS and its amended versions.*

Private legal entities

1. *By... [54 months of the date of entry into force of this amending Directive], Member States shall ensure that their competent authorities do not empower privately owned or privately managed legal entities with distinct legal personality to conduct any activities related to the application of this Directive.*
2. *In the period until the date referred to in paragraph 1 ('the transitional period'), Member States shall ensure that only competent authorities are allowed to initiate and conduct procedures related to road-safety-related traffic offences listed in Article 2(1), such as procedures relating to the exchange of information, enforcement, or any type of mutual assistance under this Directive.*

■

* *Regulation (EU) No 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).*

** *Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).';*

(10) Article 6 is replaced by the following:

‘Article 6

Reporting and monitoring

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1. By ... [*four years of the date of entry into force of this amending Directive*], and every four years thereafter, each Member State shall send a report to the Commission on the application of this Directive. ***The report shall contain data and statistics corresponding to each calendar year of the reporting period.***
2. The report shall indicate the number of automated searches conducted by the Member State of the offence in accordance with Article 4(1) and addressed to the national contact point of the Member State of registration, following road-safety-related traffic offences listed in Article 2(1) that were committed on its territory, together with the type of the offences for which requests were addressed and the structured number of failed requests according to the type of failure. This information may be based on the data provided through EUCARIS.

The report shall also include a description of the situation at national level in relation to the follow-up given to the road-safety-related traffic offences *and any related problems encountered by Member States*. The description shall at least specify:

- (a) the total number of registered road-safety-related traffic offences listed in Article 2(1) which were detected automatically or without the identification of the ■ person *concerned* on the spot;
- (b) the number of registered road-safety-related traffic offences listed in Article 2(1) which were committed with vehicles registered in a Member State other than the Member State in which the offence took place and detected automatically or without the identification of the ■ person *concerned* on the spot;
- (c) the number of fixed or removable automatic detection equipment, including speed cameras;
- (d) the number of financial penalties paid voluntarily by non-residents;
- (e) the number of electronically transmitted mutual assistance requests *and responses* in accordance with Article 5c and the number of such requests where the information was not provided;

- (f) the number of electronically transmitted mutual assistance requests *and responses* in accordance with *Article 5e* and the number of such requests where it was not possible to serve the documents;
 - (g) *the number of electronically transmitted mutual assistance requests and responses in accordance with Article 5f, the number of such requests where it was possible to enforce the sanctions and the number of such requests where it was not possible to enforce the sanctions.*
- 3. *The report shall also indicate the number and type of road-safety-related traffic offences listed in Article 2(1) committed by drivers with a vehicle registered in a third country.*
 - 4. The Commission shall assess the reports sent by the Member States and inform the committee referred to in Article 10a(1) on their content no later than 6 months after receiving the reports from all the Member States.’

- (11) Article 7 is replaced by the following:

Article 7

Additional obligations

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Legal entities in their quality as holders, owners or end users of vehicles subject to the data exchange of this Directive shall have the right to obtain information on the processing of their data.

Member States shall inform each other on cybersecurity incidents, notified pursuant to Article 23 of Directive (EU) 2022/2555 of the European Parliament and of the Council*, where the incidents relate to data stored in virtual or physical clouds or cloud-hosting services.

* Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive) (OJ L 333, 27.12.2022, **p. 80**).;

- (12) The following *article is* inserted:

‘Article 7a

Financial support for cross-border cooperation

The Commission shall provide financial support to initiatives that contribute to cross-border cooperation in the enforcement of road-safety-related traffic rules in the Union, in particular the exchange of best practices, the application of smart enforcement methodologies and techniques in the Member States, increasing the capacity building of enforcement authorities. ***Financial support may also be provided for*** awareness raising campaigns regarding cross-border enforcement of road-safety-related traffic rules ***and information campaigns throughout the Union on differences in national legislation.***’;

(13) Article 8 is replaced by the following:

‘Article 8

Information portal on road-safety-related traffic offences (CBE Portal)

1. The Commission shall establish and maintain an online portal on road-safety-related traffic offences (‘CBE Portal’) available in all official languages of the institutions of the Union dedicated to *sharing information with road users on the rules in the field covered by this Directive in force in the Member States, including, where of particular relevance, on how to ensure compliance. The CBE Portal shall include information on legal remedies, on any rights afforded to the persons concerned under this Directive including language options, information on the data protection rules and on the applicable sanctions, including, where relevant, the applicable non-financial repercussions, and the schemes and available means for the payment of fines imposed in respect of road-safety-related traffic offences.*

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2. The CBE Portal shall be compatible with the interface established under Regulation (EU) 2018/1724 of the European Parliament and of the Council* and with other portals or platforms with a similar purpose, such as the European e-Justice Portal.
3. Member States shall provide up-to-date information to ■ the Commission, for the purposes of this Article. *Member States shall ensure that a link to the online portal is provided on the websites of the competent authorities.*

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* *Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).’;*

- (14) The following *article* is inserted:

‘Article 8a

Bilateral and multilateral agreements between Member States

This Directive shall not preclude the application of bilateral or multilateral agreements or arrangements between Member States in so far as such agreements or arrangements contain additional requirements to those imposed by this Directive and help to simplify or facilitate further the procedures set out herein.’;

- (15) Article 9 is replaced by the following:

‘Article 9

Delegated acts

The Commission is empowered to adopt delegated acts in accordance with Article 10 to amend the Annex by updating it in the light of technical progress or where this is required by legal acts of the Union directly relevant to the updating of the Annex.’;

(16) The following articles ■ are inserted:

‘Article 10a

Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council*.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.

Where the ■ committee *delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.*

■

Article 10b

Reporting by the Commission

By ... [66 months of the date of entry into force of this amending Directive] and thereafter, every 18 months after receiving the reports referred to in Article 6(2), the Commission shall submit a report to the European Parliament and to the Council on the application of this Directive by the Member States.

Article 10c

Transitional reporting

By 6 May 2026, Member States shall send a comprehensive report to the Commission in accordance with the second and third subparagraph of this Article.

The comprehensive report shall indicate the number of automated searches conducted by the Member State of the offence addressed to the national contact points of the Member States of registration, following offences committed on its territory, together with the type of offences for which requests were addressed and the number of failed requests.

The comprehensive report shall also include 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 traffic offence notices.

* *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).';*

(17) *Article 11 is replaced by the following:*

‘Article 11

Revision

By ... [66 months of the date of entry into force of this amending Directive], the Commission shall submit a report to the European Parliament and to the Council on the application of this Directive by the Member States. The report shall be accompanied, if appropriate, by a proposal to the European Parliament and the Council for further revision of this Directive regarding the inclusion of other offences, in so far as Member States’ data show their positive and quantifiable effects on road safety.’;

(18) Annex I is replaced by the text set out in the Annex to this Directive;

(19) Annex II is deleted.

Article 2
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by ... [*30 months of the date of entry into force of this amending Directive*]. They shall immediately communicate the text of those measures to the Commission.

When Member States adopt those measures, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication.

Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main measures of national law which they adopt in the field covered by this Directive.

Article 3

Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

Article 4

Addressees

This Directive is addressed to the Member States.

Done at ...,

For the European Parliament

The President


For the Council



The President


ANNEX

Data elements necessary to conduct the search referred to in Articles 4(1) *and* (3)

1. Data elements of initiating search (outgoing request)

Item	M  ⁽¹⁾	Remarks
Member State of registration	M	Distinguishing sign ⁽²⁾ of the Member State of registration of the vehicle
Registration number	M	Full registration number of the vehicle
Data relating to the offence <i>and/or vehicle check</i>		
<i>Location of the offence or vehicle check</i>	<i>M</i>	<i>Address or road kilometre marking of where the offence or vehicle check took place</i>
Member State of the offence <i>and/or vehicle check</i>	M	Distinguishing sign ⁽²⁾ of the Member State of the offence
<i>Competent authority</i>	<i>M</i>	<i>Name of the competent authority which is in charge of requesting the data or in charge of the proceedings</i>
<i>Username</i>	<i>M</i>	<i>Username of the person, who is in charge of requesting the data or in charge of the proceedings</i>
<i>Case number</i>	<i>M</i>	<i>Case number provided by the competent authority which is in charge of requesting the data or in charge of the proceedings</i>
Reference date of the offence <i>and/or vehicle check</i>	M	
Reference time of the offence <i>and/or vehicle check</i>	M	

Item	M  ⁽¹⁾	Remarks
Purpose of the search	M	<p>Code indicating the type of road-safety-related traffic_offence as listed in Article 2(1)</p> <p>1. = Speeding</p> <p>2. = Drink-driving</p> <p>3. = Failing to use a seat belt</p> <p>4. = Failing to stop at a red traffic light</p> <p>5. = Use of a forbidden lane</p> <p>10. = Driving under the influence of drugs</p> <p>11. = Failing to wear a safety helmet</p> <p>12. = Illegally using a mobile phone or any other communication devices while driving</p> <p>14. = Failing to keep a safe distance from the vehicle in front</p> <p>15. = Dangerous overtaking</p> <p>16. = Dangerous parking or stopping</p> <p>17. = Crossing one or more solid  lines</p> <p>18. = Wrong-way driving</p> <p>19. = Failing to respect the rules on the creation and use of emergency corridors or on giving way to emergency service vehicles</p> <p>20. = <i>Using</i> an overloaded vehicle</p> <p>33. = <i>Failing to respect the rules on vehicle-access restrictions</i></p> <p>34. = <i>Hit-and-run</i></p> <p>35. = <i>Failing to respect the rules at a railway level-crossing</i></p>

⁽¹⁾ M = mandatory communication of the data element. 

⁽²⁾ Distinguishing sign in accordance with Article 37 of the Convention on road traffic, done at Vienna on 8 November 1968, or the code of a EUCARIS member State.

2. Data elements provided as a result of the initiating search conducted pursuant to Article 4(1) and (3)

Part I. Data relating to vehicles *provided in accordance with Article 4(1) and (3)*

Item	M/O ⁽⁴⁾	Remarks ⁽⁵⁾
Registration number	M	(Code A) Full registration number of the vehicle
Chassis number/VIN ⁽³⁾	M	(Code E) Full chassis number/VIN of the vehicle
Member State of registration	M	Distinguishing sign ⁽⁶⁾ of the Member State of registration of the vehicle
Make	M	(Code D.1) Make of the vehicle e.g. Ford, Opel, Renault
Commercial description(s)	M	(Code D.3) Commercial description of the vehicle e.g. Focus, Astra, Megane
EU category code	M	(Code J) e.g. N1, M2, N2, L, T
First registration date	M	(Code B) Date of the first registration of the vehicle
Last registration date	M	(Code I) Date of the last registration of the vehicle
Language	M	Language of the registration document of the vehicle
Previous inquiries	O	The dates of previous inquiries on the vehicle

⁽³⁾ VIN = vehicle identification number

⁽⁴⁾ M = Mandatory communication of the data element *when available in any national register of a Member State*, O = Optional communication of the data element.

⁽⁵⁾ The codes are harmonised according to Annex I and II to Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

⁽⁶⁾ Distinguishing sign in accordance with Article 37 of the Convention on road traffic, done at Vienna on 8 November 1968, *or the code of a EUCARIS member State*.

Part II. Data relating to vehicles provided in accordance with Article 4(1) and (3)

Item	M/O ⁽⁷⁾	Remarks ⁽⁸⁾
<i>Maximum technically permissible laden mass except for motorcycles</i>	<i>M</i>	<i>(Code F.1)</i>
<i>Maximum permissible laden mass of the vehicle in service in the Member State of registration</i>	<i>M</i>	<i>(Code F.2)</i>
<i>Maximum permissible laden mass of the whole vehicle in service in the Member State of registration</i>	<i>M</i>	<i>(Code F.3)</i>
<i>Mass of the vehicle in service with bodywork and with coupling device in the case of a towing vehicle in service from any category other than M₁ (in kg)</i>	<i>M</i>	<i>(Code G)</i>
<i>Number of axles</i>	<i>M</i>	<i>(Code L)</i>
<i>Wheelbase (in mm)</i>	<i>M</i>	<i>(Code M)</i>

Part **III**. Data relating to holders and owners of the vehicles

Item	M/O ⁽⁹⁾	Remarks ⁽¹⁰⁾
Data relating to holders of the vehicle		(Code C.1) The data refer to the holder of the specific registration certificate
Surname or business name	M	(Code C.1.1) Separate fields shall be used for surname or business name, infixes and titles communicated in printable format
First name	M	(Code C.1.2) Separate fields for first name(s) and initials communicated in printable format shall be used
Address	M	(Code C.1.3) Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated
<i>Electronic means of communication</i>	<i>O</i>	<i>Email adress for electronic registered delivery services in accordance with Article 5a(1)</i>
Gender	O	Male, female.
Date of birth	M	
Legal entity	M	Natural or legal person
Place of birth	O	
ID number	M	An identifier that uniquely identifies the person or the company

Item	M/O ⁽⁹⁾	Remarks ⁽¹⁰⁾
Data relating to owners of the vehicle		(Code C.2) The data refer to the owner of the vehicle
Surname or business name	M	(Code C.2.1) Separate fields shall be used for surname or business name, infixes and titles communicated in printable format
First name	M	(Code C.2.2) Separate fields for first name(s) and initials communicated in printable format shall be used
Address	M	(Code C.2.3)
Electronic means of communication	O	Email adress for electronic registered delivery services in accordance with Article 5a(1)
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of birth	O	
ID number	M	An identifier that uniquely identifies the person or the company

⁽⁹⁾ M = Mandatory communication of the data element ***when available in any national register of a Member State***, O = Optional communication of the data element.

⁽¹⁰⁾ The codes are harmonised according to Annex I and II to Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

Part **IV**. Data relating to end users of the vehicles

Item	M/O ⁽¹¹⁾	Remarks
Data relating to end users of the vehicle		The data refer to the end user of the vehicle
Surname or business name	M	Separate fields shall be used for surname or business name, infixes and titles communicated in printable format
First name	M	Separate fields for first name(s) and initials communicated in printable format shall be used
Address	M	Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated
<i>Electronic means of communication</i>	<i>O</i>	<i>Email adress for electronic registered delivery services in accordance with Article 5a(1)</i>
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of birth	O	
ID number	M	An identifier that uniquely identifies the person <i>or the company</i>

⁽¹¹⁾ M = Mandatory communication of the data element when available in any national register of a Member State, O = Optional communication of the data element.

Part V. Data *at the time when the road-safety-related traffic offence was committed* relating to previous *holder* and *owner* of the vehicle *which is subject to the initiating search in Section 1 of this Annex*, in accordance with Article 4a(2)

Item	M/O ⁽¹²⁾	Remarks ⁽¹³⁾
Data relating to previous holders of the vehicle		(Code C.1) The data refer to the holder of the specific registration certificate
Surname or business name	M	(Code C.1.1) Separate fields shall be used for surname or business name, infixes and titles communicated in printable format
First name	M	(Code C.1.2) Separate fields for first name(s) and initials communicated in printable format shall be used
Address	M	(Code C.1.3) Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated
<i>Electronic means of communication</i>	<i>O</i>	<i>E-mail adress for electronic registered delivery services in accordance with Article 5a(1)</i>
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of birth	O	
ID number	<i>M</i>	An identifier that uniquely identifies the person or the company

Item	M/O ⁽¹²⁾	Remarks ⁽¹³⁾
Data relating to previous owners of the vehicle		(Code C.2) The data refer to the previous owner of the vehicle.
Surname or business name	M	(Code C.2.1) Separate fields shall be used for surname or business name, infixes and titles communicated in printable format
First name	M	(Code C.2.2) Separate fields for first name(s) and initials communicated in printable format shall be used
Address	M	(Code C.2.3)
<i>Electronic means of communication</i>	<i>O</i>	<i>E-mail adress for electronic registered delivery services in accordance with Article 5a(1)</i>
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of birth	O	
ID number	<i>M</i>	An identifier that uniquely identifies the person or the company

⁽¹²⁾ M = Mandatory communication of the data element when available in *any national register of* a Member State, O = Optional communication of the data element.

⁽¹³⁾ The codes are harmonised according to Annex I and II to Council Directive 1999/37/EC of 29 April 1999 on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

Part VI. Data *at the time when the offence was committed* relating to previous end user of the vehicle *which is subject to the initiating search in Section 1 of this Annex*, in accordance with Article 4a(2)

Item	M/O ⁽¹⁴⁾	Remarks
Data relating to previous end users of the vehicle		The data refer to previous end user of the vehicle
Surname or business name	M	Separate fields shall be used for surname or business name, infixes and titles communicated in printable format
First name	M	Separate fields for first name(s) and initials communicated in printable format shall be used
Address	M	Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated
Electronic means of communication	O	Email adress for electronic registered delivery services in accordance with Article 5a(1)
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of birth	O	
ID number	M	An identifier that uniquely identifies the person <i>or the company</i>

⁽¹⁴⁾ M = Mandatory communication of the data element when available in any national register of a Member State, O = Optional communication of the data element.