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2023/0052 (COD)

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**

(Text with EEA relevance)

{SEC(2023) 351 final} - {SWD(2023) 126 final} - {SWD(2023) 127 final}

## EXPLANATORY MEMORANDUM

### 1. CONTEXT OF THE PROPOSAL

#### • Reasons for and objectives of the proposal

This explanatory memorandum accompanies the proposal for a directive amending Directive (EU) 2015/413 on facilitating cross-border exchange of information on road-safety-related traffic offences<sup>1</sup> (hereinafter “the CBE Directive”).

Road safety in the EU has improved quite significantly over the last 20 years. The number of road fatalities has gone down by 61.5% from around 51,400 in 2001 to around 19,800 in 2021. Nevertheless, the improvement in road safety has not been strong enough to meet the EU’s political ambition to decrease the number of road deaths by 50% between 2001 and 2010, and by additional 50% between 2011 and 2020 (i.e. by 75% between 2001 and 2020) stemming from a number of strategic documents issued by the Commission over the last two decades, such as the *White Paper on European Transport Policy for 2010*<sup>2</sup>, or the Communication from the Commission on *Towards a European road safety area: policy orientations on road safety 2011-2020*<sup>3</sup>. The reported number of some 18,800 road deaths in 2020 was still well above the target value, despite an impressive annual reduction of more than 17% below the corresponding number of road deaths for 2019 that was however heavily influenced by an unprecedented drop in road traffic volumes in the wake of the COVID-19 pandemic<sup>4</sup>.

In the years before 2020, there was hardly any drop in the number of road fatalities. This slowdown, that already appeared around 2014, prompted the transport ministers of the EU to issue a ministerial declaration on road safety at the informal transport Council in Valletta in March 2017<sup>5</sup>. In that declaration, the Member States called upon the Commission to explore the strengthening of the Union’s road safety legal framework to reverse that stagnating trend.

In June 2019, the Commission published the *EU Road Safety Policy Framework 2021-2030 – Next steps towards “Vision Zero”*<sup>6</sup>. In it, the Commission proposed new interim targets for reducing the number of road deaths and serious injuries by 50% between 2020 and 2030, as recommended in the Valletta Declaration. The Commission based that policy framework on the so-called “Safe System approach” that considers death and serious injury in road collisions as largely preventable, though collisions will continue to occur. The cross-border enforcement of road-safety-related traffic offences is one of the main pillars of the system as it reduces the impunity of foreign drivers. The *Sustainable and Smart Mobility Strategy*<sup>7</sup> of 2020 set the milestone of reducing the death toll for all modes of transport in the EU to close to zero by 2050 and announced the revision of the CBE Directive under Flagship 10 “*Enhancing transport safety and security*”. Subsequently, this initiative was inserted in

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<sup>1</sup> OJ L 68, 13.3.2015, p. 9

<sup>2</sup> COM(2001) 370 final

<sup>3</sup> COM(2010) 389 final

<sup>4</sup> During the first lockdown in April 2020, the European Transport Safety Council (ETSC) reported a 70-85% reduction in traffic volumes in major European cities (<https://etsc.eu/covid-19-huge-drop-in-traffic-in-europe-but-impact-on-road-deaths-unclear/>)

<sup>5</sup> See: [https://eumos.eu/wp-content/uploads/2017/07/Valletta\\_Declaration\\_on\\_Improving\\_Road\\_Safety.pdf](https://eumos.eu/wp-content/uploads/2017/07/Valletta_Declaration_on_Improving_Road_Safety.pdf); in June 2017, the Council adopted conclusions on road safety endorsing the Valletta Declaration (see document 9994/17).

<sup>6</sup> SWD(2019) 283 final

<sup>7</sup> COM(2020) 789 final

Annex II to the Commission Work Programme 2022 (REFIT initiatives), under the heading ‘A New Push for European Democracy’<sup>8</sup>.

Importantly, the European Parliament adopted a resolution on the EU Road Safety Policy Framework 2021-2030<sup>9</sup> in October 2021. While the Parliament acknowledges the progress made, it called on the Commission to review the CBE Directive, as the existing framework “(...) does not adequately ensure investigation of the offences in order to enforce penalties (...)”.

This initiative builds on the current CBE Directive which has (1) established the electronic exchange of vehicle registration data between Member States through designated national contact points, which helps to identify the owner/holder of the vehicle registered abroad with which the offence has been committed; (2) specified the European Vehicle and Driving Licence Information System (Eucaris) as the preferred IT platform for the electronic exchange of vehicle registration data; (3) been predominantly applied in practice to cross-border cases where the offences are detected remotely with automatic or manual detection equipment, mostly cameras (i.e. without stopping the vehicle and/or identification of the driver on the spot); (4) covered eight road-safety-related traffic offences: speeding, failing to use a seat belt, failing to stop at a red traffic light, drink-driving, driving while under the influence of drugs, failing to wear a safety helmet, the use of a forbidden lane and illegally using a mobile phone or any other communication devices while driving; (5) determined the way in which the offence should be communicated to the person concerned, including the language regime – it also provided a (non-obligatory) template for the information letter to be sent; (6) raised the awareness of citizens by requiring Member States to inform the Commission of road safety traffic rules in force and make them available on a website in all official languages<sup>10</sup>.

The accompanying impact assessment<sup>11</sup> to the first proposal for the CBE Directive of 2008 estimated that non-resident drivers accounted for about 5% of road traffic in the EU (in terms of vehicle-km) but that they committed around 15% of speeding offences. Hence, they are relatively more likely to commit speeding offences than resident drivers. One of the identified reasons for that was that non-residents perceived that they were less likely to be sanctioned when driving in a Member State where they did not reside and that they were less likely to face judicial action if they did not pay fines imposed by foreign authorities. While the current CBE Directive contributed to removing the *anonymity* of foreign offenders by impressively increasing the number of investigated cross-border cases, it has also proven its limitations since its deterrent effect was not sufficient to remove the offenders’ *impunity*.

This initiative aims at further enhancing road safety by extending the scope of the CBE Directive to other road-safety-related traffic offences and streamlining (i.e. simplifying, digitising and refining) the investigation of road-safety-related traffic offences committed abroad, thus facilitating the cross-border enforcement of sanctions. It also aims to improve the protection of fundamental rights of non-resident drivers. The objectives to unlock the full potential of the Directive are to:

1. Increase compliance of non-resident drivers with additional road-safety-related traffic rules: Dangerous behaviour plays a role in a high number of road fatalities and serious injuries. Preventing such dangerous behaviour through extending the scope of

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<sup>8</sup> Initiative No 26 in Annex II to COM(2021) 645 final

<sup>9</sup> P9\_TA(2021)0407 [https://www.europarl.europa.eu/doceo/document/TA-9-2021-0407\\_EN.pdf](https://www.europarl.europa.eu/doceo/document/TA-9-2021-0407_EN.pdf)

<sup>10</sup> The Commission’s “Going Abroad” website:  
[https://ec.europa.eu/transport/road\\_safety/going\\_abroad/index\\_en.htm](https://ec.europa.eu/transport/road_safety/going_abroad/index_en.htm)

<sup>11</sup> SEC(2008) 351.

the CBE Directive to other road-safety-related offences and thus reducing impunity is key. When Member States cannot effectively penalise offenders from other Member States to ensure equal treatment of resident and non-resident drivers, this seriously reduces the credibility of the enforcement efforts.

2. Streamline mutual assistance procedures between Member States in the cross-border investigation of road-safety-related traffic offences: The evaluation of the CBE Directive of 2016<sup>12</sup> identified the following main reasons preventing justice from being applied to non-resident offenders: (1) around half of detected road traffic offences committed by non-residents was not investigated; (2) around half of the financial penalties for those road traffic offences that had been investigated were not successfully enforced; (3) almost all offences where offenders refused to pay financial penalties were not enforced - the successfully enforced penalties were essentially due to voluntary payments. The main reasons for the identified shortcomings were cumbersome, time consuming and therefore lacking mutual assistance and cooperation between Member States in investigating road-safety-related traffic offences and deficiencies in the enforcement of sanctions after exchanging vehicle registration data, especially where different legal liability regimes apply.
3. Strengthen the protection of fundamental rights of non-resident offenders, including alignment with new EU rules on personal data protection: The Commission received a number of citizens' complaints on the (lack of) respect of fundamental rights, especially as regards appeals against allegedly committed road traffic offences abroad (in particular arguing about missing or unclear information on appeal procedures), missing evidence, different deadlines for non-residents and residents regarding the delivery of penalty notices/information letters, inadequate service of documents, including missing translations and problems to access specific information regarding committed offences and ways to settle financial penalties. Last, but not least, the proposal ensures alignment with new EU law concerning personal data protection<sup>13</sup>, which was adopted in the meantime.

More detailed information on how the above objectives and related problems are addressed by the initiative is presented in Chapter 3 of this explanatory memorandum.

To ensure a consistent approach in cross-border enforcement of road traffic rules, a negotiating package is established, which consists of three initiatives – besides this proposal for a directive amending the CBE Directive, it also contains a proposal for a new driving licence directive (replacing Directive 2006/126/EC on driving licences<sup>14</sup> (the ‘Driving Licence Directive’)) and a proposal for a new Directive of the European Parliament and of the Council on the Union-wide effect of certain driving disqualifications.

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<sup>12</sup> SWD(2016) 355 final

<sup>13</sup> Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1) and Directive (EU) 2016/680 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 (OJ L 119, 4.5.2016, p.89).

<sup>14</sup> OJ L 403, 30.12.2006, p. 18

- **Consistency with existing policy provisions in the policy area**

The proposed revision of the CBE Directive is consistent with other EU road safety legislation. It (1) refers to Council Directive 1999/37/EC on the registration documents for vehicles<sup>15</sup> in what concerns the classification of vehicle registration data elements; (2) extends the scope of the CBE Directive to the offence of using an overloaded vehicle, therefore having a close link to the application of Council Directive 96/53/EC on maximum authorised weights and dimensions of certain vehicles<sup>16</sup>; (3) complements the Driving Licence Directive by allowing the use of personal data from driving licence registers for the cross-border investigation of road-safety-related traffic offences, informing offenders on applied sanctions affecting their right to drive and identifying the person liable for road-safety-related offences.

- **Consistency with other Union policies**

There is already a wider set of existing legal instruments and ongoing initiatives at Union level, especially in the field of police and justice cooperation, which have to be taken into account in relation to this initiative, such as existing cross-border investigation procedures under the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union<sup>17</sup>, the European Investigation Order<sup>18</sup> and the Prüm Decisions which are currently being revised<sup>19</sup>. However, this proposal provides for specific simplified and digitised procedures aimed at the identification of the person liable for a road-safety-related traffic offence and at procedures for service of documents, which derogate from the above mentioned legal acts in order to facilitate millions of automatically detected road-safety-related traffic offences often qualified as administrative. As the current version of the CBE Directive does, the proposal retains strong links with Framework Decision 2005/214/JHA<sup>20</sup>, namely in the case of non-payment of a financial penalty. It promotes an effective application of the Framework Decision by improving the identification of the persons liable for the road-safety-related traffic offences and the protection of the fundamental rights of non-resident drivers.

This proposal also refers to (1) Regulation (EU) 910/2014 on electronic identification and trust services for electronic transactions<sup>21</sup> to ensure the legal effect and admissibility of the information letter and of the follow-up documents sent and received by using an electronic registered delivery service; (2) Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings<sup>22</sup> to ensure standard quality of the translation of the information letter and of the follow-up documents and to ensure that criminal proceedings demanding for specific guarantees for the individuals concerned, the procedural safeguards

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<sup>15</sup> OJ L 138, 1.6.1999, p. 57

<sup>16</sup> Council Directive 96/53/EC 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).

<sup>17</sup> Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, (OJ C 197, 12.7.2000, p. 1).

<sup>18</sup> 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).

<sup>19</sup> COM(2021) 784 final

<sup>20</sup> 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).

<sup>21</sup> Regulation (EU) 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).

<sup>22</sup> 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).

for suspects and accused persons are not affected by the implementation of the revised CBE Directive; (3) Directive (EU) 2022/2555 on measures for a high common level of cybersecurity across the Union<sup>23</sup> to ensure exchange of information on reported cybersecurity incidents where processed personal data are stored by using clouds or cloud-hosting services; (4) Regulation (EU) 2018/1724 on a single digital gateway<sup>24</sup> to ensure compatibility of the dedicated digital portal referred to in Chapter 4 of this explanatory memorandum and of the Your Europe Portal of the Commission; (5) Directives 2012/13/EU<sup>25</sup>, 2013/48/EU<sup>26</sup>, (EU) 2016/343<sup>27</sup>, (EU) 2016/800<sup>28</sup>, (EU) 2016/1919<sup>29</sup> of the European Parliament and of the Council to ensure that criminal proceedings demanding for specific guarantees for the individuals concerned and Regulation (EU) 2018/1725 of the European Parliament and of the Council on the protection of natural persons with regard to the processing of personal data by the Union institutions<sup>30</sup>, the procedural safeguards for suspects and accused persons are not affected by the implementation of the revised CBE Directive.

As mentioned in the objectives of this initiative, the EU law concerning personal data protection has been reformed. In particular, Directive (EU) 2016/680 (the Data Protection Law Enforcement Directive – LED) has been adopted and entered into force in May 2016. Article 62(6) of LED required the Commission to review, by 6 May 2019, other EU legal acts that regulate competent authorities’ personal data processing for law enforcement purposes, in order to assess the need to align them with the LED and, where appropriate, to make proposals for amending them to ensure consistency in the protection of personal data within the scope of the LED. In 2020, the Commission published the results of its review in a Communication<sup>31</sup>, which specifies ten legal acts, including the CBE Directive, that should be aligned with the LED and a timetable for doing so. This initiative, therefore, ensures alignment with the LED, notably by clarifying that the LED applies to the processing of personal data in the context of the CBE Directive.

Furthermore, the digitalisation of existing cross-border investigation procedures and the IT solutions provided in the proposal for a Regulation on the digitalisation of judicial

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<sup>23</sup> 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 (OJ L 333, 27.12.2022, p. 80).

<sup>24</sup> 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).

<sup>25</sup> 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).

<sup>26</sup> 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).

<sup>27</sup> 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).

<sup>28</sup> 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).

<sup>29</sup> 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).

<sup>30</sup> 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).

<sup>31</sup> COM(2020) 262 final

cooperation and access to justice in cross-border civil, commercial and criminal matters<sup>32</sup>, which aims to facilitate the conduct of procedures and reduce practical difficulties concerning effective and transparent access of natural and legal persons to justice, have to be taken into account in the digitalisation of the follow-up procedures under this proposal through implementing acts to ensure the compatibility of the systems to be applied. The digital solutions to be established by the implementing acts under this proposal should also be aligned with the cross-border interoperability requirements for digital public services laid down in the proposal for an Interoperable Europe Act<sup>33</sup> enhancing cross-border interoperability in the public sector.

## **2. LEGAL BASIS, SUBSIDIARITY AND PROPORTIONALITY**

### **• Legal basis**

The CBE Directive was originally adopted on the legal basis of Article 87(2) TFEU<sup>34</sup> – the police cooperation legal basis that allowed the UK, Denmark and Ireland to opt out of applying the Directive. The Judgment of the Court of Justice of 6 May 2014 in Case C-43/12<sup>35</sup> annulled this Directive, considering that it could not be adopted on the police cooperation legal basis, and that the Directive should rather have been adopted on the basis of Article 91(1)(c) TFEU, which is a transport legal basis, as originally proposed by the Commission. The new and current Directive was adopted on 11 March 2015 with the modified legal basis, without any amendments to the substance of the annulled Directive and covering all Member States.

This proposal maintains the prime objective of the CBE Directive to improve road safety. The content of the proposal does not contradict the above objective or go beyond facilitating the cross-border exchange of information on road-safety-related traffic offences where they are committed with a vehicle registered in a Member State other than the Member State where the offence took place. Therefore, the legal basis of the proposal remains Article 91(1)(c) TFEU, according to which *"(...) the European Parliament and the Council shall, acting in accordance with the ordinary legislative procedure (...), lay down: (...) (c) measures to improve transport safety."*

### **• Subsidiarity**

Ending the impunity of non-resident offenders and ensuring equal treatment of all road users across the Union cannot be as effective if approached in a disparate manner through national or regional silos (multilateral or bilateral agreements). The evaluation of the functioning of the CBE Directive concluded that reaching the same results as with the Directive would require the adoption of more than 300 bilateral agreements, resulting in a non-transparent, complex, potentially inconsistent and cost-ineffective legal environment, ultimately leading to significant costs for national administrations. Without the intervention at EU level, there would be a patchwork of rules, which would not be as effective in putting an end to the impunity of non-resident offenders and inducing a behavioural change leading to improved road safety. The cross-border enforcement of road-safety-related traffic rules would hardly be achievable, as Member States would not be able to ensure mutual assistance in cross-border investigation procedures.

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<sup>32</sup> COM(2021) 759 final

<sup>33</sup> COM(2022) 720 final

<sup>34</sup> Directive 2011/82/EU facilitating the cross-border exchange of information on road safety related traffic offences (OJ L 288, 5.11.2011, p. 1).

<sup>35</sup> Case C-43/12, ECLI:EU:C:2014:298

Under the subsidiarity principle, the application of enforcement practices by Member States in their own territory is considered primarily within their own competence. This initiative does not seek to impose requirements for the enforcement of road-safety-related traffic rules as such. It focuses only on facilitating cross-border investigation procedures, which Member States cannot achieve on their own in a coherent way to ensure equal treatment of resident and non-resident drivers.

- **Proportionality**

In accordance with the principle of proportionality set out in Article 5(4) of the Treaty on European Union, the measures in this proposal do not go beyond what is necessary in order to achieve the objectives of the Treaties - improving road safety (through better cross-border enforcement of road-safety-related traffic rules).

The proposal addresses the existing barriers to effective cross-border investigation of road-safety-related traffic offences and the protection of fundamental rights of non-resident drivers in the investigation phase. The proposal sets out a legal and technical framework for cooperation between Member States to identify the person liable for a road-safety-related traffic offence committed abroad to ensure equal treatment of drivers. For this purpose, the scope of the initiative is extended to seven additional road-safety-related traffic offences which can be detected remotely, without stopping the vehicle and identification of the driver on the spot, and which are considered by the stakeholders as the most relevant ones to further improve road safety in the EU.

As the road-safety-related traffic offences may be classified as administrative or criminal, and therefore the authorities competent to pursue these offences differ as well as the purpose pursued, the personal data processing should comply with the GDPR or LED. In the short term, the Commission and Member States will incur costs related to developing and implementing IT solutions necessary not only for the exchange/sharing of information between enforcement authorities, but also for the exchange/sharing of information between these authorities and road users. However, these costs would be offset over the longer term by the benefits generated through the improved cooperation and communication. In order to minimise the burden of regulatory reporting, the monitoring of the application of the revised CBE Directive will build as much as possible on existing data reporting channels and infrastructure, and on automated data retrieval. For road users, represented by businesses and citizens, the proposal is expected to lead to a reduction in the costs of interacting with public administrations.

- **Choice of the instrument**

This proposal further streamlines the obligations imposed on Member States' authorities regarding the cross-border exchange of information on road-safety-related traffic offences and ensures a higher level of harmonisation thereof. At the same time, it aims at providing Member States with the flexibility needed to take into account national specificities (such as the possibility to identify additional essential or important entities or procedures going beyond the proposed measures). Taking this into account, and the fact that it consists of a number of amendments to the existing CBE Directive, the future legal instrument should therefore be a Directive, as it allows for targeted harmonisation as well as a certain degree of flexibility for competent authorities. As the amended Directive maintains its current structure and its substance is not affected, a recast is not required.



### **3. RESULTS OF EX-POST EVALUATIONS, STAKEHOLDER CONSULTATIONS AND IMPACT ASSESSMENTS**

#### **• Ex-post evaluations/fitness checks of existing legislation**

In 2016, the Commission carried out an evaluation of the application of the CBE Directive by Member States<sup>36</sup> assessing its relevance, EU added value, coherence, effectiveness and efficiency. Subsequently, the Commission submitted an implementation report to the European Parliament and the Council<sup>37</sup>.

The conclusions of the evaluation were as follows:

1. The scope of the CBE Directive was considered as adequate since it covers the most important road traffic offences, i.e. the cases in which the vehicle does not need to be stopped for the offence to be detected. The evaluation also concluded that it might be useful to consider including additional road-safety-related offences in the scope of the Directive that endanger road safety and for which automatic checking equipment is being increasingly used, such as not keeping a sufficient distance from the vehicle in front, dangerous overtaking and dangerous parking;
2. The electronic information system used for the exchange of vehicle registration data (Eucaris) provided for effective, expeditious, secure and confidential exchange of vehicle registration data and does not generate unnecessary administrative burden. However, the system has not been used to its full potential. In 2015, approximately 50% of detected road traffic offences which were committed by non-residents were not investigated;
3. It was not possible to establish a clear correlation between the CBE Directive and non-resident road users' compliance with road traffic rules in force, or to provide clear evidence of the Directive's positive impact on road safety;
4. As regards external coherence, the evaluation concluded that the CBE Directive contributed to a more consistent EU road safety legal framework by complementing other instruments, such as the Driving Licence Directive. The analysis of internal coherence found that the two specific objectives of the CBE Directive — to facilitate the enforcement of road traffic rules through the cross-border exchange of vehicle registration data and to raise citizens' awareness of road traffic rules in place — fully complement each other.
5. The potential of the CBE Directive to improve road safety could be further exploited. Approximately 50 % of investigated road traffic offences which are committed by non-residents were not successfully enforced. This was either due to a lack of mutual assistance and cooperation between Member States in investigating road traffic offences after exchanging vehicle registration data, or because decisions issued by Member States in cases of non-payment of a financial penalty for these offences often did not fall under Council Framework Decision 2005/214/JHA. Procedures that apply in cross-border cases of non-payment of a financial penalty did not appear to be adapted to the situation where millions of road traffic offences covered by the CBE Directive should have been detected each year.

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<sup>36</sup> SWD (2016) 355 final; the evaluation was supported by a study of external consultants - Grimaldi Studio Legale (2016), ISBN 978-92-79-59136-5

<sup>37</sup> COM (2016) 744 final

- **Collection and use of expertise**

The Commission has contracted a consortium composed of the companies Ecorys, Wavestone and Grimaldi to support the Impact Assessment of the revision of the CBE Directive<sup>38</sup>. The contractor has reached out to the stakeholders directly affected by the Directive through targeted surveys and workshops. A wide range of experts was consulted not only in the field of transport, but also in other policy areas such as police and justice cooperation. The contractor also carried out a legal analysis concerning (1) mutual assistance and recognition procedures in the cross-border investigation of road traffic offences; (2) the use of Eucaris; (3) the cross-border enforcement of driving disqualifications; (3) the appropriate legal basis in light of a possible extension of the scope of the revised Directive to other road traffic offences, including violations of urban vehicle access regulations (UVARs); (4) personal data protection rules; (5) specific sanctions such as confiscation/detention of vehicles and application of collateral guarantees i.e. the practice of pledging collateral as security for repayment of a financial penalty imposed for a road traffic offence. A technical analysis was also performed on the digitalisation of EU justice systems and on adequate digital/IT solutions for the revised Directive.

- **Stakeholder consultations**

The objective of the consultations was to validate with stakeholders the Commission understanding of the issues at hand and in particular to collect views on draft policy measures. The consultations also gathered evidence on expected costs and benefits of the draft policy measures. They helped to identify gaps in the intervention logic or areas requiring further attention. The public consultation on the Inception Impact Assessment, the targeted consultations and the open public consultation were aimed at collecting information and opinions on the following elements of the impact assessment: (1) the problem definition, including respective problem drivers and policy objectives; (2) the scope of the revision; (3) possible policy measures and options and their likely impacts, including on subsidiarity and the EU dimension; (4) the scope for efficiency savings (particularly regulatory cost reduction) and simplification measures.

A broad range of stakeholders was consulted such as (1) central government authorities (ministries of transport, ministries of interior and justice, decentralised state agencies); (2) local government authorities (municipalities and their associations e.g. POLIS and EUROCITIES); (3) research organisations and road safety NGOs (e.g. VIAS institute, ETSC, FERSI/SWOV); (4) police network organisations (e.g. ROADPOL); (5) road user organisations, business and road transport associations (e.g. ADAC, FIA, IRU, UICR, TLN, CORTE, Leaseurope).

- **Impact assessment**

As outlined in the Inception Impact Assessment<sup>39</sup>, the following impacts of this initiative were analysed: (1) economic impacts – *impacts on public administrations, private sector (e.g. leasing companies), SMEs, road users, the functioning of the internal market and competition*; (2) social impacts - *impacts on road safety and the protection of fundamental rights*; (3) environmental impacts – *impacts on compliance with road traffic rules in place, especially with applicable speed limits*. The baseline (“do nothing”) scenario, against which the impacts

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<sup>38</sup> Impact assessment support study for the revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences, ECORYS consortium (2023), MOVE/C2/SER/2019-425/SI2.819667

<sup>39</sup> [https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules\\_en](https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/2131-Cross-border-enforcement-of-road-traffic-rules_en)

of each identified policy option were assessed, is built on the EU Reference scenario 2020 (REF2020) as the starting point for the assessment, which takes into account the impacts of the COVID-19 pandemic on the transport sector.

This proposal for an amendment of the CBE Directive is accompanied by an impact assessment report, a draft of which was submitted to the Regulatory Scrutiny Board (RSB) on 22 June 2022. The RSB issued a positive opinion with reservations on 22 July 2022<sup>40</sup>. The impact assessment report was adjusted accordingly to address not only the reservations, but also more detailed comments of the RSB. The impact assessment report includes a detailed description of the policy options, included in Section 5, while a comprehensive analysis of the impacts of all options is presented in Section 6. The analysed policy options are summarised as follows:

1. Policy option 1: It is the basic policy option which contains 11 (out of the 16) retained policy measures, which are common to all policy options. The scope of the CBE Directive would be extended to include other road-safety-related traffic offences which can be detected remotely with automatic checking equipment such as *not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing white line(s), driving in the wrong way or not respecting the rules on the creation and use of emergency corridors, and using an overloaded vehicle*. It would increase the effectiveness of the existing Directive by improving existing information exchange and addressing the issues related to the protection of fundamental rights of non-resident offenders in the investigation phase, including personal data protection, which is supported by all stakeholder groups. Under this option, the information in the national vehicle registers on the previous vehicle holder/user would have to be kept for a certain period of time and exchanged if available. In the case where a vehicle would have been leased (or subject to a long term rent), the information on the actual user of the vehicle would be exchanged if available in the national vehicle register. Enforcement authorities would be allowed to use not just the vehicle registers, but also other registers such as national driving licence registers, preferably through a single electronic system, where necessary for the identification of the person liable for a road-safety-related traffic offence.
2. Policy options 2 and 2A: These options include all elements of Policy option 1 and in addition foresee the establishment of tailored follow-up cross-border investigation procedures, including a dedicated IT portal<sup>41</sup> for communication between governmental authorities/organisations, businesses and citizens, and preferably decentralised<sup>42</sup> platform(s) to inter-connect national registers/back-end IT services in

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<sup>40</sup> RSB/RM/cdd - rsb(2022)5013941

<sup>41</sup> The portal is intended to serve as single point of contact (SPOC) or single European electronic access point for the cross-border enforcement of road-safety-related traffic rules.

<sup>42</sup> The decentralised nature of the system means that there would be no data storage or data processing by the entity entrusted with the operational management of the system's components. Depending on whether an access point to the system is operated by an EU institution, agency or body, or at national/international level, and depending on which national authorities are processing personal data and for what purposes, either Regulation (EU) 2018/1725 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 (OJ L 295, 21.11.2018, p. 39); Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation) (OJ L 119, 4.5.2016, p. 1); or Directive (EU) 2016/680 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 (OJ L 119, 4.5.2016, p. 89), would apply.

the cross-border exchange of information through designated contact points. A possibility of applying the duty of the vehicle owner/holder to cooperate with authorities in the identification of the liable person, in accordance with the national law of the Member State concerned, introduced in Policy option 2A, would simplify the cross-border investigation procedures and would be expected to increase the rate of successful investigations in Member States which apply driver legal liability regimes. Some Member States already use this approach, for example under the Salzburg Forum CBE Agreement<sup>43</sup>.

3. Policy options 3 and 3A: These options build on Policy option 2A and in addition would establish tailored follow-up procedures for the mutual recognition of (final) decisions on financial penalties issued in relation to the offences falling within the scope of the CBE Directive. Policy option 3 also provides specific procedural standards and guarantees to be met when financial penalties are enforced abroad. Policy option 3A is an extended version of Policy option 3 where the grounds for refusing to recognise and execute the decision related to a financial penalty issued by another Member State, as laid down in Article 7 of Framework Decision 2015/214/JHA, would be reduced.

As a whole, the analysis of the efficiency of the proposed measures suggests that the total benefits, which vary, depending on the policy option, from EUR 1 259.2 million to EUR 3 850.6 million, substantially outweigh the total costs which alter between EUR 72.8 million and EUR 150 million, in 2020 prices. While the improved investigation by Member States authorities incurs the highest cost, namely sending out information letters/penalty notices by registered mail, which has also a tight link with the protection of fundamental rights, the value of saved lives represents the main benefit – i.e. the (quantified) social impacts prevail over the economic ones in a positive way.

The Impact Assessment concludes that the preferred option is Policy option 2A, which is considered as effective in reaching the intended policy objectives, presenting high net benefits, being internally coherent, proportionate as regards the objectives of the initiative, taking into account Member States rules and procedures, and overall best in terms of political and legal feasibility. Policy option 2A can also significantly facilitate cross-border investigation procedures (and consequently the cross-border enforcement of financial penalties) that would offset the potential issues with the external coherence. This policy option will push the EU legislative boundaries ahead with a moderate ambition, paving the way to a generally acceptable and very effective legal liability regime applicable to road-safety-related traffic offences.

The main societal impacts of the preferred Policy option 2A are due to the deterrence effect of the CBE Directive through a better enforcement of road safety-related traffic rules, and they were assessed in terms of impacts on road safety (specifically in terms of lives saved and injuries avoided). Under Policy option 2A, 384 lives are estimated to be saved and 21,789 injuries avoided over the 2025-2050 period, relative to the baseline. In monetary terms, the reduction in the external costs of accidents is estimated at around EUR 2.8 billion, expressed as present value over the 2025-2050 period relative to the baseline. In addition, leasing companies can expect annual savings of around EUR 7 million relative to the baseline,

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<sup>43</sup> The multilateral CBE Agreement of the Salzburg Forum has been signed by Bulgaria, Croatia, Hungary and Austria on 11 October 2012. It uses the framework established by the CBE Directive and also includes cooperation in the cross-border investigation of road traffic offences ([http://www.salzburgforum.org/Treaties\\_and\\_Agreement/CBE\\_Agreement.html](http://www.salzburgforum.org/Treaties_and_Agreement/CBE_Agreement.html)).

expressed as present value over the assessment period 2025-2050, as they will be faced with less administrative burden when the identity of the vehicle keeper (the lessee) can be directly retrieved from the vehicle registration data.

Policy option 2A is expected to be effective in increasing the share of successfully investigated offences and it should lead to higher enforcement costs due to the higher number of penalty notices issued. Additional enforcement costs for Member States authorities are estimated at EUR 136.8 million relative to the baseline, expressed as present value over the 2025-2050 period. This includes one-off adjustment costs of EUR 4.6 million for Member States administrations (e.g. to adapt IT systems). It is expected that these relatively low additional costs would be outweighed by additional revenues from the payment of the penalties, although such impacts could not be assessed. In addition, adjustment costs for the European Commission (mainly to update the information portal) are estimated at EUR 1.5 million relative to the baseline, expressed as present value over the 2025-2050 period.

The environmental impact of the preferred policy option should be a slightly positive one. The removal of impunity of non-resident offenders is expected to lead to a more law-abiding behaviour by non-residents which, when it comes to speeding (which represents the vast majority of offences committed with foreign vehicles), manifests itself in a lower average speed which in turn lowers fuel consumption and hence pollutant and CO<sub>2</sub> emissions. Over time, as the share of zero- or low-emission vehicles in the fleet increases, the environmental improvement from a lower average speed is expected to reduce in significance. Overall, the positive impact on the environment is not expected to be significant but, at the same time, no harm is expected on the environment.

The initiative directly contributes to the United Nations Sustainable Development Goal #11 *“Make cities and human settlements inclusive, safe, resilient and sustainable”* and in particular to target 11.2 *“By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons”*.<sup>44</sup> By improving the investigation of road-safety-related traffic offences committed with foreign-registered vehicles, the deterrent effect of the CBE Directive will be reinforced. As a result, EU roads are expected to become safer for all road users. The enforcement of legislation on behavioural risks is a core element of the “Safe System approach” and a core principle of the 2020 United Nations “Stockholm Declaration on road safety”<sup>45</sup>.

- **Regulatory fitness and simplification**

As part of the Regulatory Fitness Programme (REFIT)<sup>46</sup>, this proposal is intended to reduce enforcement costs for Member States authorities incurred by the cross-border investigation of road-safety-related traffic offences. The proposed measures should lead to decreasing investigation time and related costs per offence that is to be achieved by (1) improving the exchange of information between authorities, including access and content of the registers; (2) creating a tailored cross-border investigation mechanism to better establish who is personally liable for the offence, including a duty to cooperate with enforcement authorities in the identification of the actual offender, where this is possible. The proposal should result in a

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<sup>44</sup> <https://sdgs.un.org/goals/goal11>

<sup>45</sup> <https://www.roadsafetysweden.com/contentassets/b37f0951c837443eb9661668d5be439e/stockholm-declaration-english.pdf>

<sup>46</sup> Commission Work Programme 2022, Annex II (REFIT initiatives), heading ‘A New Push for European Democracy’

reduction of hassle costs for road users due to improved content of information letters/penalty notices and of the follow-up communication with offenders (better protection of fundamental rights). Furthermore, a reduction of administrative costs for car leasing and rental companies is envisaged, since the cross-border exchange of information on the actual user of the vehicle (the lessee) will be allowed.

The initiative encompasses the “digital by default” principle<sup>47</sup> as it fosters digital transformation, where possible. For example, it proposes digitised follow-up procedures related to the cross-border enforcement of sanctions for the offences covered by the CBE Directive, including introducing standardised digital forms translated in all official EU languages which would simplify their exchange.

- **Application of the “one in, one out” approach**

The “one-in, one-out” approach consists of *offsetting any new burden for citizens and businesses resulting from the Commission proposals by removing an equivalent existing burden in the same policy area*. As explained in the paragraph above, this proposal should result in the reduction of administrative costs for the private sector - car leasing and car rental companies that is estimated at EUR 0.435 million in 2030 and EUR 0.275 million in 2050, relative to the baseline scenario. The administrative cost savings per company are accounted for at approximately EUR 202 in 2030 and EUR 128 in 2050. Expressed as present value, between 2025 and 2050 the administrative cost savings are estimated at around EUR 7 million in total.

- **Fundamental rights**

One of the specific objectives of this proposal is to improve the protection of fundamental rights of non-resident drivers. Improved enforcement, as a result of the cross-border exchange of information on road-safety-related traffic offences, will ensure equal treatment of resident and non-resident drivers and their effective exercise of the right to an effective remedy and to a fair trial, the presumption of innocence and right of defence. This should be achieved by (1) enabling the verification of the authenticity of information letters and of the follow-up documents; (2) establishing harmonised time limits for sending the information letters and the follow-up documents; (3) establishing mandatory minimum requirements for the information to be shared with presumed liable persons; (4) ensuring a consistent language regime until the stage of appeal before a court; and (5) ensuring that citizens receive more information in the information letters/penalty notices e.g. on applicable appeal procedures and methods of payments of fines.

This proposal also envisages the alignment of the CBE Directive with the new rules on personal data protection. Therefore, appropriate safeguards are put in place to ensure that the Directive fully respects Article 7 and 8 of the Charter of Fundamental Rights of the European Union, as well as the applicable legal framework on the protection of personal data. The European Data Protection Supervisor (EDPS) will be consulted.

#### **4. BUDGETARY IMPLICATIONS**

The implementation of the proposal requires the establishment and maintenance of a new IT system. This system should connect existing networks of national IT systems and interoperable access points, operating under the individual responsibility and management of each Member State, to ensure a secure and reliable cross-border exchange of information on

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<sup>47</sup> COM(2021) 118

road-safety-related traffic offences. The Commission will define appropriate IT solutions in implementing acts, including the design/architecture and technical specifications for a dedicated digital portal and electronic systems (interface platform(s)) to inter-connect national systems to exchange the information, which Member States can choose to use. It will ensure that all proposed solutions will undergo an interoperability assessment based on the requirements set out in Article 3 of the proposal for an Interoperable Europe Act. The implementing acts should reflect on the following:

1. technical specifications defining the methods of communication by electronic means, including communication protocols;
2. information security targets and relevant measures ensuring minimum information security standards and a high level of cybersecurity for the processing and communication of information;
3. minimum availability targets and related technical requirements for the provided services.

The one-off costs in 2025 and ongoing adjustment costs of the Commission until 2050 mainly related to the establishment of the IT system to support interactions between governmental authorities/organisations, natural and legal persons in cross-border administrative and criminal proceedings are estimated at EUR 1.531 million. The costs for Member States are considered as rather limited. It is expected that Member States bear these costs from their national budgets; they may also apply for EU financial support under the relevant financing programmes, such as the Justice programme<sup>48</sup> and the cohesion policy instruments.

## **5. OTHER ELEMENTS**

- **Implementation plans and monitoring, evaluation, monitoring program and targeted review**

Established monitoring instruments continue to apply to follow the share of successfully investigated road-safety-related traffic offences over time. The reporting includes the number of automated outgoing/inbound requests conducted by the Member State in which the offence was committed and addressed to the Member State where the vehicle is registered, together with the type of offences for which the requests will be made and the number of failed requests. Moreover, additional quantitative indicators are to be provided by the Member States, for example on registered road-safety-related traffic offences which are detected automatically or without the identification of the liable person on the spot and committed with vehicles registered in a Member State other than the Member State in which the offence took place, or on the number of voluntarily paid financial penalties by non-residents.

The new reporting period of Member States is extended from currently two years to four years aligning it with the Commission's evaluation calendar and reducing the administrative burden on national authorities. The Commission will inform the Member States on the content of the submitted reports once they are assessed. The IT platform(s) are intended to facilitate the automatic compilation of data by specific reporting features. The Commission will monitor the implementation and effectiveness of the application of this initiative through a number of actions and a set of key performance indicators (KPIs) measuring progress towards achieving the operational objectives. Five years after the date of entry into force of the legislation, the

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<sup>48</sup> [https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/justice-programme\\_en](https://commission.europa.eu/funding-tenders/find-funding/eu-funding-programmes/justice-programme_en)

Commission services will carry out an evaluation to verify to what extent the objectives of the initiative have been reached.

- **Detailed explanation of the specific provisions of the proposal**

The proposal for the revised CBE Directive is structured around the three main policy objectives referred to in Chapter 1 of this explanatory memorandum, which are inter-related and serve the purpose of improving road safety in the Union. The main provisions which substantially change the Directive or add new elements are the following:

Article 1(1) amends Article 2 of the CBE Directive by extending the scope of the Directive to other road-safety-related traffic offences, namely: (1) not keeping sufficient distance from the vehicle in front; (2) dangerous overtaking; (3) dangerous parking; (4) crossing one or more solid white lines; (5) wrong-way driving; (6) not respecting the rules on the creation and use of emergency corridors; and (7) use of an overloaded vehicle. It also clarifies the relationship between the CBE Directive and the already existing EU legal framework on certain rights and obligations of Member States, such as Directive 2014/41/EU, the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, the Council Framework Decision 2005/214/JHA and the legislation on the rights of suspects and accused persons.

Article 1(2) amends Article 3 of the CBE Directive by further clarifying existing definitions and adding definitions of the newly included road-safety-related traffic offences.

Article 1(3) inserts a new Article 3a on responsibilities and competences of national contact points. The national contact points of Member States are required to cooperate with other authorities involved in the investigation of the road-safety-related traffic offences which fall under the scope of the CBE Directive, regardless of the nature of the offence or the legal status of the authority. Thus, Member States are encouraged to exchange the information under the Directive through a single system.

Article 1(4) replaces Article 4 of the CBE Directive. It lays down that the exchange of vehicle registration data ('VRD') should be carried out through a single electronic system – the European Vehicle and Driving Licence Information System (Eucaris) – so as to ensure the expeditious, cost-efficient, secure and reliable exchange of specific VRD between Member States. It also sets out that Member States are allowed to conduct automated searches in vehicle registers in accordance with the existing procedures, including the use of the software application, until an implementing act laying down procedures for such searches is adopted by the Commission. Member States are also required to keep certain VRD available and up-to-date. In the cases where a vehicle has been leased (or subject to a long-term rental arrangement), Member States are allowed to conduct automated searches in vehicle registers to retrieve the data on end users of vehicles where available. A data retention period is established as regards the identity of the previous owners, holders, and end users of the vehicles to provide authorities with the appropriate information they need for the investigation of the offences.

Article 1(5) inserts:

- a new Article 4a on mutual assistance procedures between Member States in cross-border investigations of road-safety-related traffic offences. It lays down that Member States are required to provide mutual assistance to each other in the cases where, based on the results of the conducted automated search, the Member State in which the offence was committed cannot properly identify the person liable for a road-safety-related traffic offence. The mutual assistance procedures will be digitised in accordance with an implementing act. The grounds on which the provision of



mutual assistance for the identification of the liable person can be refused by the Member State of registration or Member State of residence are also identified, in particular to avoid revealing the identity of protected persons;

- a new Article 4b on the application of national measures facilitating the identification of the liable person. It sets out that Member States are allowed to apply their national measures to non-residents, particularly the duty of presumed liable persons to cooperate with their authorities in the identification of the liable person; and
- a new Article 4c on the use of other databases in the investigation of road-safety-related traffic offences. It establishes that Member States' enforcement authorities are allowed to use not just the vehicle registers, but also other registers such as national driving licence registers or population registers, insofar as such use is explicitly allowed under Union legislation.

Article 1(6) replaces Article 5 of the CBE Directive. It specifies the minimum content of the information letter, which has to include, in particular, the information on the committed offence, sanctions imposed, appeal procedures, payment of financial penalties – including mitigating measures –, the applicable data protection rules, and if applicable, information on the entity empowered by a Member State to collect financial penalties which sent the information letter.

Article 1(7) inserts:

- a new Article 5a on the service of the information letter and the follow-up documents. It lays down the language regime for the communication between persons presumed to be liable and Member States' authorities, to be applied until the stage of appeal before a court, as well as harmonised time limits for sending these documents. If it is not possible to deliver the documents through registered delivery or electronic means of equal value, specific mutual assistance procedures for cross-border service of the documents are established. The procedures will be digitised in accordance with an implementing act;
- a new Article 5b regarding financial claims of private or public entities empowered by Member States to administer the follow-up proceedings. It sets out that the presumed liable persons are not required to pay the legal and administrative expenses related to the administration of the penalties where such administration is outsourced to debt collectors. Nevertheless, Member States authorities are allowed to charge proportionate administrative fees.

Article 1(8) replaces:

- Article 6 of the CBE Directive. It extends the reporting period for Member States to four years, aligning it with the Commission's evaluation calendar. Member States are required to provide additional quantitative indicators, such as on registered road-safety-related traffic offences which are committed with vehicles registered in a Member State other than the Member State in which the offence took place, or on the number of voluntarily paid financial penalties by non-residents. The Commission is required to inform the Member States on the content of the submitted reports once they are assessed;

Article 7 of the CBE Directive. Member States are required to inform each other on cybersecurity incidents related to data stored in clouds;

- Article 8 of the CBE Directive. It lays down the obligation for the Commission to establish a dedicated IT portal to facilitate exchanging information between national

contact points, other relevant authorities of Member States, and road users, e.g. on road-safety-related traffic rules in force in Member States, appeal procedures and applied sanctions. The portal will also facilitate the verification of the authenticity of information letters and follow-up documents. The exchanged information may include vehicle registration data and the data on persons presumed to be liable or liable for road-safety-related offences.

Article 1(9) inserts a new Article 8a on financial support to promote cross-border cooperation in the enforcement of road-safety-related traffic rules in the EU. A legal basis is established for EU funding of activities aimed at exchanging best enforcement practices, the application of smart enforcement methodologies and techniques in Member States, increasing the capacity building of enforcement authorities and awareness raising campaigns.

Article 1(10) replaces Article 9 of the CBE Directive, by empowering the Commission to adopt delegated acts to update the new Annex in the light of technical progress.

Article 1(11) inserts a new Article 10a, regarding a committee to be established in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council.

Article 1(12) replaces Article 11 of the CBE Directive. It requires the Commission to submit a report to the European Parliament and to the Council on the application of the Directive.

Article 1(13) replaces Annex I to Directive (EU) 2015/413 by the Annex to the amended Directive.

Article 1(14) repeals Annex II to Directive (EU) 2015/413.

Article 2 specifies the deadline for the transposition of the amended Directive by Member States.

Article 3 sets out the date of entry into force of the amended Directive, on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 4 addresses the amended Directive to Member States.

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**

(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 Committee<sup>1</sup>,

Having regard to the opinion of the Committee of the Regions<sup>2</sup>,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Directive (EU) 2015/413 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 and enforcement of road-safety-related traffic offences improves road safety as it encourages non-resident drivers to commit fewer offences and drive more safely.
- (2) The practice 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 facilitating 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, procedural and fundamental 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 fines and in the appeal procedures. This Directive aims to further improve the effectiveness of the investigation of road-safety-related traffic offences committed with vehicles registered in another Member State in order to help reach the Union's goal of reducing the death toll in all modes of transport to close to zero by 2050 and to strengthen the protection of fundamental and procedural rights of non-resident drivers.
- (3) In its EU Road Safety Policy Framework 2021-2030<sup>3</sup>, the Commission recommitted to the ambitious goal to get close to zero deaths and zero serious injuries on Union roads

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<sup>1</sup> OJ C , , p. .

<sup>2</sup> OJ C , , p. .

by 2050 (“Vision Zero”), and to the medium-term aim to reduce deaths and serious injuries by 50% by 2030, a target originally set in 2017 by the Union Transport Ministers in the Valletta Declaration on Road Safety. In order to achieve those goals the Commission, as part of the Communication “Sustainable and Smart Mobility Strategy – putting European transport on track for the future”<sup>4</sup>, announced its intent to revise Directive (EU) 2015/413 of the European Parliament and of the Council<sup>5</sup>.

- (4) The scope of the Directive should be extended to other road-safety-related traffic offences to ensure 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, additional offences should demonstrate a strong link to road safety, by addressing dangerous and reckless behaviours which pose a serious risk to road users. The extension of the scope should also reflect the technical progress in the automatic detection of road-safety-related traffic offences.
- (5) Road-safety-related traffic offences are classified either as administrative offences or criminal offences under the national law of the Member States, which may give rise to proceedings brought by administrative or judicial authorities, before courts having jurisdiction in administrative or criminal matters, depending on the applicable national procedures. 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 this Directive does not undermine the rights and obligations of the Member States stemming from other applicable Union legislation in criminal matters, and in particular those laid down in Council Framework Decision 2005/214/JHA<sup>6</sup>, Directive 2014/41/EU of the European Parliament and of the Council<sup>7</sup> as concerns the procedures for exchanges of evidence, and the procedures for service of 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<sup>8</sup>. Further, criminal proceedings demanding specific guarantees for the individuals concerned, the procedural safeguards for suspects and accused persons, enshrined in Directives 2010/64/EU<sup>9</sup>, 2012/13/EU<sup>10</sup>, 2013/48/EU<sup>11</sup>,

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<sup>3</sup> SWD(2019) 283 final

<sup>4</sup> Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘Sustainable and Smart Mobility Strategy – putting European transport on track for the future’, COM(2020) 789 final.

<sup>5</sup> 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).

<sup>6</sup> 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).

<sup>7</sup> 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).

<sup>8</sup> OJ C 197, 12.7.2000, p. 3.

<sup>9</sup> 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).

<sup>10</sup> 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).

<sup>11</sup> 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).

(EU) 2016/343<sup>12</sup>, (EU) 2016/800<sup>13</sup> and (EU) 2016/1919 of the European Parliament and of the Council<sup>14</sup>, should also not be affected by the implementation of this Directive.

- (6) The responsibilities and competences of national contact points should be defined to ensure that they seamlessly cooperate with other authorities involved in the investigation of the road-safety-related traffic offences which fall within the scope of this Directive. National contact points should always be available for such authorities and answer their requests within reasonable time. This should be the case regardless of the nature of the offence or the legal status of the authority, and in particular regardless of whether the authority has national or subnational or local competence.
- (7) 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 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.
- (8) The Member State of the offence should also 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 owners, holders and end users of the vehicles to provide authorities with the appropriate information they need for the investigation.
- (9) 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, also 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 European Vehicle and Driving Licence Information System (Eucaris) software application, and amended versions of that software. Such an 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. Member States should prevent the exchange of information by other means, which would be less cost-efficient and may not ensure the protection of the transmitted data.
- (10) In order to ensure uniform conditions for the searches to be conducted by Member States, the Commission should be empowered to adopt implementing acts laying down procedures for such searches. However, 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 until such rules become applicable.

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<sup>12</sup> 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).

<sup>13</sup> 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).

<sup>14</sup> 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).

- (11) In cases where the liable person cannot be identified with the certainty required by the legislation 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 liable person. To that end, a mutual assistance procedure should be introduced aimed at identifying the liable person, either through a request for confirmation, on the basis of information already held by the Member State of the offence, or through a request for a targeted enquiry to be conducted by the relevant authorities of the Member State of registration or of the Member State of residence.
- (12) The Member State of registration or Member State of residence should provide the additional information requested by the Member State of the offence necessary for the identification of the liable person within reasonable time. If it is not possible to gather or provide the information, or it is not possible to do so without undue delay, a clear explanation should be given as regards the reasons thereof, and the delay be minimised as far as possible.
- (13) The grounds on which the provision of mutual assistance for the identification of the liable person can be refused by the Member State of registration or Member State of residence should be specifically identified. In particular, safeguards should be introduced to avoid revealing the identity of protected persons, such as protected witnesses, through those procedures.
- (14) Member States should be allowed to use national procedures they would apply if the road-safety-related offence had been committed by a resident person. 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 for concerned persons to cooperate in identifying the liable person. As those measures should have the same legal effects on the concerned persons as in domestic cases, those persons should also enjoy the same standards of fundamental and procedural rights.
- (15) Where Union legislation or national law of Member States 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 involving such databases, while respecting the fundamental rights of non-resident drivers.
- (16) The definition of what constitutes an information letter on the road-safety-related traffic offences and its content currently differs between Member States to such an extent that the fundamental and procedural rights of the persons involved in the follow-up procedures initiated by the Member State of the offence can be adversely affected. This is especially so in cases where so-called “pre-information letters” that do not comply with the language and information standards required under Directive (EU) 2015/413 are sent out. The persons affected by those practices are usually not familiar with the legal system of the Member State of the offence nor speak its official language or languages, and therefore their procedural and fundamental rights should be better safeguarded. In order to achieve that objective, mandatory minimum requirements for the content of the information letter should be established and the current model for an information letter with only basic information, as set out Annex II to Directive (EU) 2015/413 should no longer be used.
- (17) As a minimum, the information letter should include detailed information on the legal classification and legal consequences of the offence, in particular as the sanctions for the offences covered by the scope of Directive (EU) 2015/413 can be of a non-

pecuniary nature, such as restrictions placed on the offender's right to drive. The right of appeal should also be supported by providing detailed information on where and how to exercise the rights of defence or lodge an appeal in the Member State of the offence, in a language that the person concerned understands. A description of *in absentia* procedures should also be provided when applicable, as the presumed liable person may not plan to return to the Member State of 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 information letter should be the first document the owner, holder or end user of the vehicle or any other presumed liable person receives, it should contain the information under Article 13 of Directive (EU) 2016/680 of the European Parliament and of the Council<sup>15</sup>, which, pursuant to Article 13(2)(d) should include information from which source the personal data originate, and Articles 13 and 14 of Regulation (EU) 2016/679 of the European Parliament and of the Council<sup>16</sup>. This information should be provided in the information letter either directly or by way of reference to the place where it is made available.

- (18) When non-resident persons are checked on the spot in a road control, and such action leads to the initiation of follow-up proceedings in relation to the commission of a road-safety-related traffic offence, the information letter should contain only certain essential elements, and be given to the person concerned directly as part of the road control procedures.
- (19) In order to ensure that the presumed liable person is the one that actually receives the information letter and any follow-up documents, and to avoid the erroneous involvement of non-concerned third parties, rules on service of documents should be laid down.
- (20) In the case where it is not possible to deliver documents through registered delivery or electronic means of equal value, the Member State of the offence should be allowed to rely on the Member State of registration or of residence to service the documents and communications to the person concerned under their own national legislation governing the service of documents.
- (21) Both the information letter and any follow-up documents should be sent in the language of the registration document of the vehicle or, if such information is not available or if necessary for the protection of fundamental rights, in the appropriate official language or languages of the Member State of registration or of residence. However, since some Member States have more than one official language, that obligation can lead to information letters and other follow-up communications being sent out in a language the recipient does not understand. In order for the appropriate language of the information letter to be determined, Member States should indicate to the Commission their preferred language, by territorial sub-divisions if deemed necessary. The Commission should publish the indicated language preferences. This

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<sup>15</sup> 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).

<sup>16</sup> 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).

should be without prejudice to the application of Directive 2010/64/EU, in accordance with its Article 1(3).

- (22) The Member State of the offence should allow the person presumed to be liable for a road-safety-related traffic offence to communicate, until the stage of appeal before a court, in any of the languages communicated by the Member State of registration, the Member State of residence, or the Member State of the offence to the Commission, or, if the concerned person has insufficient knowledge of those languages, in a language that the person speaks or understands, so as to facilitate the exercise of their procedural rights.
- (23) Effective legal review should be provided in case the authorities of the Member State of the offence do not comply with the language standards and rules on the service of documents and their respective national laws.
- (24) To ensure transparent and proportional application of financial penalties to road-safety-related traffic offences, which are subject to public law, presumed liable persons should not be forced to pay legal and administrative expenses related to the administration of the penalties where such administration is outsourced to private or public entities. Nevertheless, the authorities of Member States should be allowed to charge proportionate administrative fees.
- (25) 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, in order to enable the Commission to better 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 may end seamlessly.
- (26) As data relating to the identification of an offender constitutes personal data within the meaning of Regulation (EU) 2016/679 and Directive (EU) 2016/680, and 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.
- (27) Pursuant to Article 62(6) of Directive (EU) 2016/680, the Commission is to review other acts of Union law which regulate 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 these acts to ensure a consistent approach to the protection of personal data within the scope of that Directive. That review<sup>17</sup> has led to the identification of Directive (EU) 2015/413 as one of those other acts to be amended. It should therefore be clarified that processing of personal data should also comply with Directive (EU) 2016/680, where the processing falls within its material and personal scope.

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<sup>17</sup> COM(2020) 262 final



- (28) Any processing of personal data under Directive (EU) 2015/413 should comply with Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EU) 2018/1725<sup>18</sup> within their respective scope of application.
- (29) The legal basis for the processing activities necessary to establish the identity of the liable person and deliver the information letter and the follow-up documents to the presumed liable persons, is laid down in Directive (EU) 2015/413, in line with Article 6(1)(e) and, where applicable, Article 10 of Regulation (EU) 2016/679 and Article 8 of Directive 2016/680. In line with 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 liable for the road-safety-related traffic offences listed in this Directive.
- (30) In some Member States, the personal data of non-residents presumed to be liable or liable for a road-safety-related traffic offence 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 Council<sup>19</sup>, Member States should ensure that they inform each other on cybersecurity incidents related to those data.
- (31) An online portal (the "CBE Portal") should be established to provide road users in the Union with comprehensive information on road-safety-related traffic rules in place in Member States and allow road users to communicate with Member State authorities in an effective and secure manner. The portal should also facilitate communication between Member States' authorities on various issues related to the cross-border investigation of road-safety-related traffic offences, such as for the verification of the authenticity of information letters and follow-up documents to eliminate the possibility of fraud. The exchanged personal data should be limited to what is necessary for the cross-border investigations and enforcement of sanctions, particularly the payment of financial penalties. The CBE Portal should be able to connect to other relevant portals, networks, websites or platforms to facilitate the exchange of information related to the enforcement of road-safety-related traffic rules. The Commission should be the controller of the CBE Portal, in accordance with Regulation 2018/1725.
- (32) 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.
- (33) 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 of the Treaty on the Functioning of the European Union 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

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<sup>18</sup> 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).

<sup>19</sup> 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).

in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016<sup>20</sup>. 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.

- (34) In order to ensure uniform conditions for the implementation of Directive (EU) 2015/413, implementing powers should be conferred on the Commission to specify the procedures 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 liable person, the content of electronic forms for the request for mutual assistance for the service of the information letter and of the follow-up documents and of the respective certificate 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 the Proposal for a Regulation of the European Parliament and of the Council laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act)<sup>21</sup>. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council<sup>22</sup>.
- (35) Directive (EU) 2015/413 should therefore be amended accordingly.
- (36) 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 drivers 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-residents where the 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.
- (37) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council<sup>23</sup> and delivered an opinion on [DD/MM/YYYY].

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<sup>20</sup> OJ L 123, 12.5.2016, p. 1.

<sup>21</sup> COM(2022) 720 final

<sup>22</sup> 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).

<sup>23</sup> 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).

- (38) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents<sup>24</sup>, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified,

HAVE ADOPTED THIS DIRECTIVE:

*Article 1*

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

- (1) Article 2 is amended as follows:
- (a) in the first paragraph, the following points are added:
- ‘(i) not keeping sufficient distance from the vehicle in front;
  - (j) dangerous overtaking;
  - (k) dangerous parking;
  - (l) crossing one or more solid white lines;
  - (m) wrong-way driving;
  - (n) not respecting the rules on the creation and use of emergency corridors;
  - (p) use of an overloaded vehicle.’;
- (b) the following paragraph is added:
- ‘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 service of 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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\* 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).

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<sup>24</sup> OJ C 369, 17.12.2011, p. 14.

\*\* 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).’;

(2) Article 3 is amended as follows:

(a) 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, such as a public transport lane or a temporarily closed lane for reasons of congestion or road works, as defined in the law of the Member State of the offence’;

(b) point (l) is replaced by the following:

‘(l) ‘national contact point’ means a competent authority designated for the purposes of this Directive’;

(c) the following points (o) to (z) are added:

‘(o) ‘not keeping sufficient distance from the vehicle in front’ means not maintaining the distance necessary to avoid collision with the vehicle in front of the vehicle driven by the driver, if the preceding vehicle were to suddenly slow down or stop, 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 dangerous overtaking in the Member State of the offence;

(q) ‘dangerous parking’ means parking the vehicle in a way that infringes the applicable rules on dangerous parking in the Member State of the offence.

Failure to pay parking fees and other similar offences shall not be considered dangerous parking;

(r) ‘crossing one or more solid white lines’ means changing lanes with the vehicle through unlawfully crossing at least one solid white 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) ‘not respecting the rules on the creation and use of emergency corridors’ means non-compliance with the rules concerning the creation and use for emergency purposes only of a temporary lane created between vehicles, which has to be formed by the drivers in order 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) ‘use of an overloaded vehicle’ means using a vehicle that does not comply with the requirements set for its maximum authorized weights, 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 there are no such requirements set in that Directive;

(v) ‘information letter’ means the first communication received by the persons referred to in Article 5(1), second subparagraph, whether it is an administrative or judicial decision or any other document sent by the Member State of the offence or any entity empowered to do so under its law, issued until the stage of appeal before a competent court and which contains at least the information referred to in Article 5(2);

(w) ‘follow-up documents’ mean administrative or judicial decisions or any other documents that the Member State of the offence, or any entity empowered to do so under its law, issues after the information letter in connection to that letter or to the road-safety-related traffic offence in question, until the stage of appeal before a competent court;

(x) ‘liable person’ means the person who is liable for a road-safety-related traffic offence listed in Article 2(1), in accordance with the national law of the Member State of the offence;

(y) ‘end user’ means any natural person who is not the owner or the holder of the vehicle with which one of the offences listed in Article 2(1) was committed, but who was lawfully using that vehicle, 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 habitual residence of the persons referred to in Article 5(1), second subparagraph.

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\* 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).’;

- (3) the following Article 3a is inserted:

*Article 3a*

**National contact points**

1. For the purposes of the exchange of information under this Directive, each Member State shall designate a national contact point. 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 the authorities involved in the investigation of the road-safety-related traffic offences listed in Article 2(1), in particular in order to ensure that all necessary information is shared in due time, and that the time limits laid down in Article 4a(5) and Article 5a(2) are complied with.’;

- (4) Article 4 is replaced by the following:

*Article 4*

**Procedures for the exchange of information between Member States**

1. For the investigation of the road-safety-related traffic offences listed in Article 2(1), Member States shall grant other Member States' national contact points access to the following national vehicle registration data, with the power to conduct automated searches thereon:

- (a) data relating to vehicles;
- (b) data relating to owners, holders, or end users of the vehicles where available.

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.

When conducting a search in the form of an outgoing request, the national contact point of the Member State of the offence shall use a full registration number.

2. Member States shall ensure that the data elements listed in Section 2, Parts I, II and IV of the Annex are available and up-to-date in their national vehicle registers.

3. Member States shall retain the data elements referred to in Section 2, Part IV and, when available, Section 2, Part V of the Annex, in the national vehicle registers for at least 6 months after any modification of the ownership or use of the vehicle in question.

4. Member States shall return the message ‘Information not disclosed’ instead of the requested data elements in the following cases:

- (a) the vehicle was scrapped;
- (b) the vehicle’s full registration number is not provided in the search conducted in the form of an outgoing request under paragraph 1;
- (c) the vehicle’s full registration number, provided in the search conducted in the form of an outgoing request under paragraph 1, is outdated or incorrect.

Member States shall return the message ‘Stolen vehicle or registration plate’ instead of the requested data elements where the vehicle or the vehicle registration plate are recorded as stolen in the national vehicle registers.

5. For automated searching of vehicle registration data, Member States shall use the specifically designed software application of the European Vehicle and Driving Licence Information System (Eucaris), and amended versions of this software.

Member States shall ensure that the automated searching of vehicle registration data is secure, cost-efficient, expeditious and reliable, and carried out by interoperable means within a decentralized structure.

The software shall provide for both online real-time exchange mode and batch exchange mode, the latter allowing for the exchange of multiple requests or responses within one message. The information exchanged via Eucaris shall be transmitted in encrypted form.

6. The Commission shall adopt implementing acts to establish the procedures and technical specifications, including cybersecurity measures for the automated searches conducted under this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).

7. Until the implementing acts referred to in paragraph 6 of this Article have become applicable, the searches referred to in paragraph 1 of this Article shall be conducted in compliance with the procedures described in Chapter 3, points 2 and 3, of the Annex to Decision 2008/616/JHA\*, applied jointly with the Annex to this Directive.

8. Each Member State shall bear its own costs arising from the administration, use and maintenance of the software application and its amended versions referred to in paragraph 5.

\* 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).’;

(5) the following Articles 4a, 4b and 4c are inserted:

*Article 4a*

**Mutual assistance in identifying the liable person**

1. Member States shall provide mutual assistance to each other where, based on the results of the automated search conducted in accordance with Article 4(1), the Member State of the offence cannot identify the liable person to the necessary degree of certainty required by its national legislation to initiate or conduct the follow-up proceedings referred to in Article 5(1).

2. The Member State of the offence shall decide whether to request mutual assistance to obtain additional information referred to in paragraph 3, second subparagraph. The request may be issued only by an administrative or judicial authority, or by the police authority competent in the case concerned, in accordance with the national law of that Member State.

3. When the Member State of the offence has decided to request mutual assistance in accordance with paragraph 1, its national contact point shall send an electronically structured and signed request to the national contact point of the Member State of registration or Member State of residence.

The Member State of registration or Member State of residence may be requested:

(a) to confirm, on the basis of information already in its possession, that it can be assumed to a reasonable degree of certainty that the person visually recorded

by the detecting equipment of the Member State of the offence is the owner, holder or end user of the vehicle, or any person presumed to be liable for one of the road-safety-related traffic offences listed in Article 2(1);

- (b) to ask the owner, holder or end user of the vehicle, or any person presumed to be liable for one of the road-safety-related traffic offences listed in Article 2(1) to provide information on the identity of the liable person, in accordance with its national law.

4. Where the Member State of registration or the Member State of residence receives a request referred to in paragraph 3, it shall gather the requested information, unless it decides to invoke one of the grounds for refusal listed in paragraph 7 or it is not possible to gather the requested information. The Member State of registration or Member State of residence shall transmit the requested information electronically without undue delay via its national contact point to the national contact point of the Member State of the offence.

In the case referred to in paragraph 3, second subparagraph, point (b), the Member State of registration or Member State of residence shall request the information in accordance with the national procedures applicable as if the investigative measure concerned had been ordered by its own authorities, unless it decides to invoke one of the grounds for refusal listed in paragraph 7.

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

5. Member States shall ensure that they provide the requested information without any undue delay from the receipt of the request.

Where it is not possible to gather the information without undue delay from the receipt of the request, the national contact points of the Member State of registration or the Member State of residence shall transmit that information to the Member State of the offence as soon as possible, with an adequate explanation of the reasons for the delay.

Where it has become clear that the Member State of registration or the Member State of residence will not be able to gather all or a part of the requested information, it shall immediately notify a detailed explanation of the reasons thereof to the Member State of the offence.

6. The requested Member States may provide for a prior administrative or judicial validation procedure in order to ensure that the requested information is necessary and proportionate for the purpose of the identification of the liable person, in particular taking into account the rights of presumed liable persons.

7. Member States may refuse to provide the additional information requested in accordance with paragraph 3. They shall do so only in the following cases:

- (a) there is an immunity or a privilege under the law of the Member State of the registration or the 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 harm essential national security interests, jeopardise the source of the information or involve the use of classified information relating to specific intelligence activities;
- (d) there are substantial grounds to believe that providing the requested information would be incompatible with the Member State of registration's or with the Member State of residence's obligations in accordance with Article 6 of the Treaty on European Union and the Charter of Fundamental Rights of the European Union;
- (e) providing the requested information would reveal the identity of a person protected in accordance with the national law of the Member State of registration or the Member State of residence;
- (f) where the Member State of registration or the Member State of residence provides for a prior administrative or judicial validation procedure referred to in paragraph 6, but the request was not validated by the Member State of the offence before transmitting it and, based on the circumstances of the particular case, the requested information is not considered necessary and proportionate for the purpose of the identification of the liable person.

Member States shall decide as soon as possible, but at the latest within 15 days after receiving the request, whether they invoke a ground for refusal. Member States which decide to apply a ground for refusal shall inform the Member State of the offence thereof via its national contact point, without any undue delay.

8. Member States shall ensure that legal remedies equivalent to those available in a similar domestic case, are applicable to the case referred to in paragraph 3, second subparagraph, point (b).

9. The national contact points of the Member State of the offence, of the Member State of registration and of the Member State of residence may consult each other, by any appropriate means, with a view to facilitating the efficient application of this Article.

10. The request referred to in paragraph 2 shall be communicated in the language or one of the languages of the Member State of registration or Member State of residence notified to the Commission, in accordance with Article 5a(8).

The information provided in response to the request shall be communicated in the language or languages of the Member State of the offence notified to the Commission in accordance with Article 5a(8).

11. The Commission shall adopt implementing acts to further specify the content of the standard electronic form for the request, the means of transmission of the information referred to in paragraphs 3 and 4, and the functionalities and technical specifications of the software application for data exchange, including cybersecurity measures. The software specifications shall provide for both online asynchronous exchange mode and asynchronous batch exchange mode, as well as for transmission of the data elements in encrypted form.

The standard electronic form for the request shall include the following information:

- (a) the administrative or judicial decision on the validation of the requested information, referred to in paragraph 6, and details on the authority that took the decision, if applicable;

- (b) data elements relating to the owners, holders or end users of the vehicles obtained as a result of the automated search conducted in accordance with Article 4(1);
- (c) if available, the visual recording of the liable person retrieved from detection equipment, in particular speed cameras.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).

#### *Article 4b*

##### **National measures facilitating the identification of the liable person**

1. Member States may take any measures in relation to the road-safety-related traffic offences listed in Article 2(1) under their national legislation, in order to successfully identify the liable person, such as measures related to the obligation to cooperate in the identification of the liable person, provided that fundamental and procedural rights under Union and national law are respected.

2. In accordance with paragraph 1, Member States may, in particular:

- (a) serve documents to persons presumed to be liable of committing the road-safety-related traffic offences listed in Article 2(1), including documents asking these persons to confirm their liability;
- (b) apply obligations placed on presumed liable persons which are relevant to the identification of the liable person, to the furthest possible extent.

#### *Article 4c*

##### **Use of other databases**

‘Member States may exchange or access data by using other databases such as driving licence registers or population registers for the sole purpose of the identification of the liable person. They shall do so only in so far as such exchange or access is explicitly based on Union legislation.’

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- (6) Article 5 is replaced by the following:

#### *Article 5*

##### **Information letter on the road-safety-related traffic offences**

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

Where the Member State of the offence decides to initiate such proceedings, that Member State shall promptly inform the presumed liable person about the road-safety-related traffic offence and of the decision to initiate follow-up proceedings by an information letter.

The information letter may serve other purposes than those set out in the second subparagraph.

2. The information letter shall contain at least:

- (a) the indication that the letter is issued for the purposes of this Directive;

- (b) the name, postal address, telephone number and e-mail address of the competent authority;
- (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 national law of the Member State of the offence;
- (e) detailed information on where and how to exercise the rights of defence or 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 national law of the Member State of the offence;
- (f) where applicable, information on the procedures for the persons referred to in paragraph 1, second subparagraph, of this Article to inform the authorities of the Member State of the offence on the identity of the liable person in accordance with Article 4b;
- (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 alternative payment methods, in particular specific software applications, as long as those methods are accessible to both residents and non-residents;
- (h) information on the applicable data protection rules, the rights of the data subjects and the availability of further information or reference to the place where this information may be easily retrieved pursuant to Article 13 of Directive (EU) 2016/680 of the European Parliament and of the Council, including information from which source the personal data originate, or Article 13 and 14 of Regulation (EU) 2016/679 of the European Parliament and of the Council;
- (i) where applicable, detailed information on whether and how the sanctions for the offences listed in Article 2(1) can be mitigated, including by early payment of a financial penalty;
- (j) where applicable, a clear indication that the private or public entity which sends it is a proxy empowered by the Member State of the offence in accordance with Article 5b and a clean delineation between the amounts of monies claimed, based on their legal ground.

3. By way of derogation from paragraph 2, Member States shall ensure that in the case where the liable person is a non-resident driver who was checked on the spot in a road control, the information letter contains at least the data listed in paragraph 2, points (c), (d), (e) and (g).

4. Upon request of the presumed liable persons, the Member State of the offence shall ensure that access is granted to all material information in the possession of the authorities competent for the investigation of a road-safety-related offence listed in Article 2(1).

5. 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) points (e) and (i), correspond to the date of the receipt of the information letter.'

(7) The following Articles 5a and 5b are inserted:

*'Article 5a*

**Service of the information letter and follow-up documents**

1. Member States shall send the information letter and the follow-up documents to the presumed liable persons by registered delivery or electronic means with equal value in accordance with Chapter III, Section 7 of Regulation (EU) 910/2014 of the European Parliament and of the Council\*, or in the case referred to in Article 5(3) of this Regulation give the information letter directly to the presumed liable person.

2. Member States shall ensure that the information letter is sent no later than one month from the registration of a road-safety-related traffic offence listed in Article 2(1), or where more information letters need to be sent during the investigation, 15 days from the event that made sending the subsequent information letters necessary.

Member States shall ensure that any other follow-up documents are sent within 15 days from the event that made sending them necessary.

3. The Member State of the offence may send the information letter or the follow-up documents to the presumed liable persons via the authorities of the Member State of registration or the 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 national law of the Member State of the offence require proof of service of the document, other than proof that can be obtained by registered delivery or by equivalent electronic means;
- (c) it has not been possible to serve the document by registered delivery or by equivalent electronic means;
- (d) the Member State of the offence has justified reasons for considering that the service of the document by registered delivery or by equivalent electronic means in that particular case will be ineffective or is inappropriate.

4. The request to initiate the mutual assistance procedure referred to in paragraph 3 may be issued by an administrative or judicial authority, or by the police authority competent in the case concerned, in accordance with the national law of the Member State of the offence.

The national contact point of the Member State of the offence shall transmit the information letter or the follow-up documents intended to be served to the national contact point of the Member State of registration or the Member State of residence, together with an electronically structured request.

5. Member States shall ensure that the information letter and the follow-up documents to be served in accordance with paragraph 3 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.

6. The Member State of registration or the Member State of residence shall ensure that its national contact point draws up an electronically structured certificate and sends it to the national contact point of the Member State of the offence in the following cases:

- (a) upon completion of the formalities concerning the service of the information letter or of the follow-up documents in accordance with paragraph 3,
- (b) where the delivery is not successful.

Where requested by the Member State of the offence, the certificate shall be accompanied by a copy of the documents served.

7. The request referred to in paragraph 4 shall be communicated in the language or one of the languages of the Member State of registration or Member State of residence notified to the Commission in accordance with paragraph 8. The certificate referred to in paragraph 6 shall be communicated in the language of the Member State of the offence notified of the Commission in accordance with paragraph 8.

8. Where the Member State of the offence decides to initiate follow-up proceedings in relation to the road-safety-related traffic offences listed in Article 2(1), that Member State shall send the information letter and the follow-up documents in the language of the registration document of the vehicle.

Where the language of the registration document of the vehicle is not available, or when there are reasonable doubts on whether sending the information letter or the follow-up documents in the language of the registration document of the vehicle would comply with the protection of fundamental rights of the person concerned, the information letter and the follow-up documents shall be sent in the official language or languages of the Member State of registration or the Member State of residence of the presumed liable person.

In cases covered by the second subparagraph of this paragraph, where there are several official languages in the Member State of registration or the Member State of residence, the information letters and the follow-up documents shall be sent in the official language or languages of the region or other geographical sub-division where the address of the presumed liable persons is located, or in another language which that Member State has indicated it would accept.

Each Member State shall communicate to the Commission any official language of the Union, in which the information letter may be sent, where necessary broken down by regions or other geographical sub-divisions. The Commission shall make the list of the accepted languages available on the online portal referred to in Article 8.

9. Member States shall ensure that the presumed liable persons are allowed to communicate with the authorities of the Member State of the offence, until the stage of appeal before a court, in any of the languages communicated by either the Member State of registration or the Member State of residence, or by the Member State of the offence to the Commission in accordance with paragraph 8, or, if the

concerned person has insufficient knowledge of those languages, in a Union language that the person speaks or understands.

10. Member States shall ensure that the quality of the translation of the information letter and of the follow-up documents is at least of the standard laid down in Article 3(9) of Directive 2010/64/EU.

11. The Member State of the offence shall ensure that the information letter and the follow-up documents served to the presumed liable persons may be reviewed effectively and rapidly by a court, tribunal or similar institution with the power to adopt legally binding decisions, at the request of any person who has a vested legal interest in the outcome of the procedures initiated under Article 5, on the grounds that such documents do not comply with this Article.

12. The Commission shall adopt implementing acts to specify the content of electronic forms for the request referred to in paragraph 4 and of the certificate referred to in paragraph 6, and the functionalities and technical specifications of the software application for data exchange, including cybersecurity measures. The software specifications shall provide for both online asynchronous exchange mode and asynchronous batch exchange mode. The data shall be transmitted by using state-of-the-art encryption technology. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).

#### *Article 5b*

#### **Financial claims of legal entities empowered by Member States**

Member States shall ensure that where they empower a private or public entity with distinct legal personality to administer the follow-up proceedings or part thereof initiated under Article 5(1), including the enforcement of financial penalties, the presumed liable persons are not subject to that entity's charges related to legal and administrative expenses incurred by administering those proceedings. This is without prejudice for the right of the authorities of Member States to charge proportionate administrative fees.

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\* Regulation (EU) 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).';

(8) Articles 6, 7 and 8 are replaced by the following:

#### *'Article 6*

#### **Reporting and monitoring**

1. At the latest on the following dates: 6 May 2024, 6 May 2026 (...), each Member State shall send a comprehensive report to the Commission in accordance with the second and third subparagraph of this paragraph.

Each comprehensive report shall indicate the number of automated searches conducted by the Member State of the offence addressed to the national contact point of the Member State 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.

Each 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 information letters.

2. By [four years after the date of entry into force of this Directive], and every four years thereafter, each Member State shall send a report to the Commission on the application of this Directive.

3. 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. 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 liable person 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 liable person 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 in accordance with Article 4a(3) and the number of such requests where the information was not provided;
- (f) the number of electronically transmitted mutual assistance requests in accordance with Article 5a(4) and the number of such requests where it was not possible to serve the documents.

4. The Commission shall assess the reports sent by the Member States and inform the Committee referred to in Article 10a on their content no later than 6 months after receiving the reports from all the Member States.

#### *Article 7*

#### **Additional obligations**

Without prejudice to obligations under Regulation (EU) 2016/679, Directive (EU) 2016/680 and Directive (EU) 2022/2555 of the European Parliament and of the Council\*, Member States shall inform each other on cybersecurity incidents, notified pursuant to Article 10 of Directive (EU) 2022/2555, where the incidents relate to data stored in virtual or physical clouds or cloud-hosting services.

#### *Article 8*

## **Portal for cross-border exchange of information on road-safety-related traffic offences ('CBE Portal)**

1. The Commission shall establish and maintain an online CBE Portal available in all official languages of the Union dedicated to:
  - (a) sharing information with road users on the rules in force in Member States in the field covered by this Directive, in particular road-safety-related traffic rules, appeal procedures, applied sanctions, and the schemes and available means for the payment of financial penalties;
  - (b) the exchange of information and other interactions between national contact points and other relevant authorities of Member States with each other and with other road users, in particular by providing access to specific applications of the Member States facilitating the enforcement of sanctions, including for the payment of financial penalties, where applicable. This may include exchanging vehicle registration data and the data on persons presumed to be liable or liable for road-safety-related offences listed in Article 2(1).
2. Access to the CBE Portal shall be provided for the national contact points and other relevant authorities that are competent in the identification of the liable persons and in the cross-border enforcement of road-safety-related traffic rules in Member States.
3. Member States shall help road users in verifying the authenticity of the information letters and follow-up documents. For this purpose, Member States shall share with each other and with the Commission through the CBE Portal the templates of information letters and follow-up documents issued by their authorities, which are used in cross-border cases. Member States shall also inform each other on the authorities and empowered legal entities that have the right to issue those letters and documents. The Commission shall be the controller of the CBE Portal, in accordance with Regulation 2018/1725\*\*.
4. 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.
5. Member States shall provide up-to-date information to each other and to the Commission, for the purposes of this Article, and interact with road users through the CBE Portal on a regular basis.
6. The Commission shall adopt implementing acts in order to establish the technical specifications, including cybersecurity measures, necessary for the use and maintenance of the CBE Portal. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a (2).

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\* 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).

\*\* 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).

\*\*\* 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).’

- (9) The following Article 8a is inserted:

*‘Article 8a*

**Financial support for cross-border cooperation in enforcement activities**

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 and awareness raising campaigns regarding cross-border enforcement actions.’

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

*‘Article 9*

**Delegated acts**

The Commission shall be empowered to adopt delegated acts in accordance with Article 10 to amend the Annex to update 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.’

- (11) The following Article 10a is 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 opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.

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.

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\* 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).’;

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

*‘Article 11*

**Reporting by the Commission**

The Commission shall submit a report to the European Parliament and to the Council on the application of this Directive by the Member States no later than 18 months after receiving the reports referred to in Article 6(2) from all Member States.’

- (13) Annex I is replaced by the text in the Annex to this Directive;
- (14) Annex II is deleted.

*Article 2*

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [two years after the date of entry into force of this Directive] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, 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 provisions of national law which they adopt in the field covered by this Directive.

*Article 3*

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*

This Directive is addressed to the Member States.

Done at Brussels,

*For the European Parliament*  
*The President*

*For the Council*  
*The President*

## LEGISLATIVE FINANCIAL STATEMENT

### 1. FRAMEWORK OF THE PROPOSAL/INITIATIVE

#### 1.1. Title of the proposal/initiative

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

#### 1.2. Policy area(s) concerned

Transport, road safety

#### 1.3. The proposal/initiative relates to:

a new action

a new action following a pilot project/preparatory action<sup>73</sup>

the extension of an existing action

a merger or redirection of one or more actions towards another/a new action

#### 1.4. Objective(s)

##### 1.4.1. General objective(s)

The general objective of this initiative is to improve road safety through more effective cross-border enforcement of road-safety-related traffic rules in the EU.

##### 1.4.2. Specific objective(s)

The specific objectives of the initiative are:

- Increase compliance of non-resident drivers with additional road-safety-related traffic rules;
- Streamline mutual assistance procedures between Member States in the cross-border investigation of road-safety-related traffic offences;
- Strengthen the protection of fundamental rights of non-resident offenders, including alignment with new EU rules on personal data protection.

##### 1.4.3. Expected result(s) and impact

*Specify the effects which the proposal/initiative should have on the beneficiaries/groups targeted.*

The initiative will contribute to the general objective of increasing road safety in the EU through better enforcement of road-safety-related traffic rules in the case of non-resident offenders who often escape sanctions. It will have high positive impact estimated in terms of lives saved and injuries avoided (384 lives saved and 21,405 injuries avoided).

The scope of the proposal will be extended to other road-safety-related traffic offences, such as not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing while line(s), driving in wrong way or emergency lane, and driving an overloaded vehicle. By extending the scope to these

<sup>73</sup>

As referred to in Article 58(2)(a) or (b) of the Financial Regulation.

offences, the number of detected offences is expected to increase by 2% in 2025 relative to the baseline, and consequently over the entire assessment period.

Today, around 20% of all investigations concerning the offences committed with vehicles registered abroad fail because of technical issues, such as availability of accurate information in national vehicle registers and identification of the liable person. The proposal is expected to result in an increased number of investigations that are successfully conducted. It introduces policy measures aimed at improved vehicle registers' content and existing exchange of information between enforcement authorities. In addition to these measures, it includes tailored follow-up investigation procedures based on electronic exchange of specific information such as visual evidence to better identify the liable person. It also allows application of the duty of the vehicle owner/holder to cooperate with enforcement authorities in the identification of the driver/actual offender, in accordance with national law of Member States.

The proposal contributes to improved cross-border enforcement of sanctions, because measures aimed at improving the investigation and identification of liable person will also have a positive impact on the number of successfully investigated offences and hence through equal treatment of drivers on higher enforcement rates.

The proposal introduces measures to improve the protection of fundamental rights of non-resident drivers to ensure that the information letter or follow-up documents issued by enforcement authorities regarding the offence contains all the necessary information about administrative or criminal proceedings, is written in a language which the drivers understand and the authenticity of these documents can be verified.

Finally, the proposal aims at improving the cross-border enforcement of road-safety-related traffic rules on the basis of existing intervention. It means that the baseline scenario already contains some measures to address identified problems. The measures included in the proposal are mainly technical and complementing the existing rules, while accepting that the harmonisation of national legal systems, including procedures underpinning the cross-border investigation of road-safety-related traffic offences and the cross-border enforcement of sanctions for such offences, which could considerably increase the share of successful investigations, is not a feasible option.

Due to the foreseen extension of the scope of the proposal and due to simplified cross-border investigation of road-safety-related traffic offences, which is tailored to the mass detection of offences often qualified as administrative and digitised through creating a specific IT portal and platforms, it will be possible to successfully investigate more offences, thus reducing the impunity of non-resident offenders. Consequently, non-resident drivers will adapt their behaviour on the roads. This is expected to result in fewer offences committed with vehicles registered abroad relative to the baseline scenario.

#### *1.4.4. Indicators of performance*

*Specify the indicators for monitoring progress and achievements.*

The Commission will monitor the following performance indicators concerning the implementation and effectiveness of the application of the initiative/intervention (Article 6 of the proposal):

- the total number of registered road-safety-related traffic offences under the scope of the Directive, which are detected automatically or without the identification of the liable person on the spot;
- the number of registered road-safety-related traffic offences under the scope of the Directive, which are 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 liable person on the spot;
- the number of fixed or removable automatic detection equipment, such as speed cameras;
- the number of financial penalties paid voluntarily by non-residents;
- the number of electronically transmitted requests under mutual assistance procedure (follow-up investigation) and the number of such requests where the information was not provided;
- the number of electronically transmitted requests concerning service of documents and the number of such requests where it was not possible to serve the documents.

## **1.5. Grounds for the proposal/initiative**

### *1.5.1. Requirement(s) to be met in the short or long term including a detailed timeline for roll-out of the implementation of the initiative*

No specific requirements are set out which would have to be met in the short or long term. Nonetheless, in the short term, the initiative is expected to significantly reduce impunity of non-resident offenders, while building on the current Directive that remarkably contributed to removing their anonymity. In the long term, a more visible reduction of accidents with road fatalities and serious injuries, in which non-resident drivers are involved, is envisaged.

### *1.5.2. Added value of Union involvement (it may result from different factors, e.g. coordination gains, legal certainty, greater effectiveness or complementarities). For the purposes of this point 'added value of Union involvement' is the value resulting from Union intervention, which is additional to the value that would have been otherwise created by Member States alone.*

The added value of the initiative is similar to the EU added value of the current Directive. The existing bilateral and multilateral agreements (such as the CBE Agreement of the Salzburg Forum) would be unable to reach the same level of effectiveness as the Directive in both ending the impunity of non-resident offenders and ensuring equal treatment of all road users. The evaluation of the Directive has shown that if Member States wanted to achieve the same results through the conclusion of bilateral agreements, hundreds of these agreements would have to be signed, resulting in huge complexity and possible inconsistencies, and ultimately leading to significant costs for national administrations. The added value of EU action can therefore also be seen from the efficiency angle, considering that a single framework provides for higher efficiency.

The shortcomings of the current Directive – in particular its lack of effectiveness – can only be addressed by an action at EU level. Only an EU instrument can bring about consistent and efficient EU-wide cross-border enforcement of road-safety-related traffic rules.

### 1.5.3. *Lessons learned from similar experiences in the past*

The evaluation of the current Directive found that it had a positive impact on removing the anonymity of offenders who committed a road-safety-related traffic offence abroad, as an increasing number of road-safety-related traffic offences committed by non-residents have been investigated over time. However, the measures of the current Directive were inadequate to remove their impunity. In 2015, around 50% of detected road-safety-related traffic offences committed by non-residents were not investigated and around 50 % of the financial penalties for those offences that had been investigated were not successfully enforced. Almost all offences where offenders refused to pay financial penalties were not enforced, i.e. successfully enforced penalties were essentially due to voluntary payments.

The difficulties in cooperation between Member States in investigating road-safety-related traffic offences and enforcement of sanctions after exchanging vehicle registration data, especially where different legal liability regimes are applied, is the main explanation for this. Nevertheless, such cooperation appeared successful between Member States which concluded bilateral or multilateral agreements complementing EU law.

### 1.5.4. *Compatibility with the Multiannual Financial Framework and possible synergies with other appropriate instruments*

The proposed revision of the CBE Directive is consistent with other EU road safety legislation. It refers to Council Directive 1999/37/EC on the registration documents for vehicles in what concerns the classification of vehicle registration data elements; it extends the scope of the CBE Directive to the offence of using overloaded vehicle, therefore having a close link to the application of Council Directive 96/53/EC on maximum authorised weights and dimensions of vehicles; it complements the Driving Licence Directive by allowing the use of personal data from driving licence registers for the cross-border investigation of road-safety-related traffic offences, informing offenders on applied sanctions affecting their right to drive and identifying the person liable for road-safety-related offences. The proposal is also consistent with a wider set of existing legal instruments and ongoing initiatives at Union level in the field of police and justice cooperation, which have to be taken into account in relation to this initiative, such as existing cross-border investigation procedures under the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, the European Investigation Order and the Prüm Decisions which are currently being revised.

To ensure a consistent approach in the cross-border enforcement of road-safety-related traffic rules, a negotiating package is established, which consists of three initiatives – besides this proposal for a directive amending the CBE Directive, it also contains a proposal for a new driving licence directive (replacing Directive 2006/126/EC on driving licences and a proposal for a Directive of the European Parliament and of the Council on the Union-wide effect of certain driving disqualifications.

### 1.5.5. *Assessment of the different available financing options, including scope for redeployment*

The one-off costs in 2025 and ongoing adjustment costs of the Commission until 2050 are mainly related to the establishment of the IT system to support interactions between governmental authorities/organisations, natural and legal persons in cross-

border administrative and criminal proceedings. The information functionality of the dedicated IT portal will build on the existing portal managed by the Commission (Going Abroad) and the upgrade of this system would present the best use of the current organisation and invested resources up to now. The establishment of the IT system does not require an increase of human resources.

## 1.6. Duration and financial impact of the proposal/initiative

### limited duration

- in effect from [DD/MM]YYYY to [DD/MM]YYYY
- Financial impact from YYYY to YYYY for commitment appropriations and from YYYY to YYYY for payment appropriations.

### unlimited duration

- Implementation with a start-up period from 2025 to 2027,
- followed by full-scale operation.

## 1.7. Method(s) of budget implementation planned<sup>74</sup>

### Direct management by the Commission

- by its departments, including by its staff in the Union delegations;

### Shared management with the Member States

### Indirect management by entrusting budget implementation tasks to:

- third countries or the bodies they have designated;
- international organisations and their agencies (to be specified);
- the EIB and the European Investment Fund;
- bodies referred to in Articles 70 and 71 of the Financial Regulation;
- public law bodies;
- bodies governed by private law with a public service mission to the extent that they are provided with adequate financial guarantees;
- bodies governed by the private law of a Member State that are entrusted with the implementation of a public-private partnership and that are provided with adequate financial guarantees;
- bodies or persons entrusted with the implementation of specific actions in the CFSP pursuant to Title V of the TEU, and identified in the relevant basic act.
- *If more than one management mode is indicated, please provide details in the 'Comments' section.*

## Comments

The implementation of the proposal requires the establishment and maintenance of a new IT system. This system should connect existing networks of national IT systems and interoperable access points, operating under the individual responsibility and management of each Member State, to ensure a secure and reliable cross-border exchange of information on road-safety-related traffic offences. The Commission will define appropriate IT solutions in implementing acts, including the design/architecture and technical specifications for a dedicated digital portal and electronic systems (interface platform(s)) to inter-connect national systems to exchange the information, which Member States can choose to use. The adjustment

<sup>74</sup> Details of budget implementation methods and references to the Financial Regulation may be found on the BUDGpedia site: <https://myintracomm.ec.europa.eu/corp/budget/financial-rules/budget-implementation/Pages/implementation-methods.aspx>



costs for the Commission are expected to consist of three main cost elements (calculated in present net value), as follows:

- the non-recurring adjustment (one off) costs in 2025 incurred by the exchange of information between Member States concerning the verification of the information letter and follow-up documents through the dedicated IT portal estimated at 405 000 €;
- non-recurring adjustment (one-off) costs of 70 000 € are foreseen in 2025 incurred by the establishment of the dedicated IT portal;
- ongoing adjustment costs (development, maintenance and support of the dedicated IT portal) estimated at approx. 50 000 € per year intended for more interactive exchange of information between Member States enforcement and citizens/road users authorities not just about applicable road-safety-related traffic rules in place (existing Going Abroad website of the Commission), but also about applicable sanction schemes and appeal procedures.

## 2. MANAGEMENT MEASURES

### 2.1. Monitoring and reporting rules

*Specify frequency and conditions.*

The tasks directly implemented by DG MOVE will follow the annual cycle of planning and monitoring, as implemented in the Commission and the executive agencies, including reporting the results through the Annual Activity Report of DG MOVE.

The Commission will monitor the implementation and effectiveness of the application of the initiative/intervention through reporting of specific indicators (Article 6 of the proposal) that includes for example the number of automated outgoing/inbound requests conducted by the Member State in which the offence was committed and addressed to the Member State of the vehicle registration, or the number of registered road-safety-related traffic offences which are detected automatically or without the identification of the liable person on the spot and committed with vehicles registered abroad, or on the number of automatic checking equipment (e.g. speed cameras), or on voluntarily paid financial penalties by non-residents.

The new reporting period of Member States is extended from current two years to four years aligning it with the Commission's evaluation calendar and reducing the administrative burden on national authorities. The IT platform(s) are intended to facilitate automatic compilation of data by specific reporting features.

### 2.2. Management and control system(s)

#### 2.2.1. *Justification of the management mode(s), the funding implementation mechanism(s), the payment modalities and the control strategy proposed*

The unit within DG MOVE in charge of the policy field will manage the implementation of the Directive, in cooperation with other relevant units and DGs.

The expenditure will be implemented under direct management, in full application of the provisions of the Financial Regulation. The control strategy for procurements and grants in DG MOVE includes specific ex-ante legal, operational and financial controls on the procedures (including, for procurements, a review by the advisory committee for procurement and contracts) as well as on the signature of contracts and agreements. In addition, expenditure made to procure goods and services is subject to ex-ante and, when necessary, ex-post and financial controls.

#### 2.2.2. *Information concerning the risks identified and the internal control system(s) set up to mitigate them*

Very low risk. The dedicated IT portal will build on the existing Going Abroad website ([https://ec.europa.eu/transport/road\\_safety/going\\_abroad/index\\_en.htm](https://ec.europa.eu/transport/road_safety/going_abroad/index_en.htm)) and will be upgraded to become more interactive and provide additional functionalities. The identified risks are linked to the use of procurement procedures: delay, availability of data, timely information to the market, etc. These risks are covered under the Financial Regulation and mitigated by the set of internal controls deployed by DG MOVE for procurement of this value.

2.2.3. *Estimation and justification of the cost-effectiveness of the controls (ratio of "control costs ÷ value of the related funds managed"), and assessment of the expected levels of risk of error (at payment & at closure)*

The requested budgetary increase applies to the establishment and maintenance of the IT system. Concerning the control activities related to the IT systems developed or managed by the directorate responsible for the proposal, the IT steering committee is regularly monitoring the directorate databases and progress made, taking into account the simplification and cost-efficiency of the Commission IT resources.

DG MOVE reports annually, in its Annual Activity Report, on the cost of control of its activities. The risk profile and cost of controls for procurement activities are in line with the requirements.

**2.3. Measures to prevent fraud and irregularities**

*Specify existing or envisaged prevention and protection measures, e.g. from the Anti-Fraud Strategy.*

The regular Commission prevention and protection measures would apply, specifically:

- payments for any services are checked by the Commission staff prior to payment, taking into account any contractual obligations, economic principles and good financial or management practice. Anti-fraud provisions (supervision, reporting requirements, etc.) will be included in all agreements and contracts concluded between the Commission and recipients of any payments;
- to combat fraud, corruption and other unlawful activities the provisions of Regulation (EU, Euratom) No 883/2013 of the European Parliament and of the Council of 25 May 1999 concerning investigations conducted by the European Anti-fraud Office (OLAF) shall apply without restriction.

DG MOVE adopted a revised Anti-fraud Strategy (AFS) in 2020. The MOVE AFS is based on the Commission Antifraud Strategy and a specific risk assessment carried out internally to identify the areas most vulnerable to fraud, the controls already in place and the actions necessary to improve DG MOVE's capacity to prevent, detect and correct fraud.

The contractual provisions applicable to public procurement ensure that audits and on-the-spot checks can be carried out by the Commission services, including OLAF, using the standard provisions recommended by OLAF.

### 3. ESTIMATED FINANCIAL IMPACT OF THE PROPOSAL/INITIATIVE

#### 3.1. Heading(s) of the multiannual financial framework and expenditure budget line(s) affected

- Existing budget lines

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff. <sup>75</sup>	from EFTA countries <sup>76</sup>	from candidate countries and potential candidates <sup>77</sup>	from other third countries	other assigned revenue
01	02 20 04 01	Diff.	NO	NO	NO	NO

- New budget lines requested

*In order of multiannual financial framework headings and budget lines.*

Heading of multiannual financial framework	Budget line	Type of expenditure	Contribution			
	Number	Diff./Non-diff.	from EFTA countries	from candidate countries and potential candidates	from other third countries	other assigned revenue
	[XX.YY.YY.YY]		YES/NO	YES/NO	YES/NO	YES/NO

<sup>75</sup> Diff. = Differentiated appropriations / Non-diff. = Non-differentiated appropriations.

<sup>76</sup> EFTA: European Free Trade Association.

<sup>77</sup> Candidate countries and, where applicable, potential candidates from the Western Balkans.

### 3.2. Estimated financial impact of the proposal on appropriations

#### 3.2.1. Summary of estimated impact on operational appropriations

- The proposal/initiative does not require the use of operational appropriations
- The proposal/initiative requires the use of operational appropriations, as explained below. No additional appropriations will be necessary. The amounts needed to finance the project will be redeployed from the appropriations already programmed in the official financial programming under the specific budget items.

EUR million (to three decimal places)

<b>Heading of multiannual financial framework</b>	01	Single Market, Innovation and Digital
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DG: MOVE			Year 2025 <sup>78</sup>	Year 2026	Year 2027	Year 2028	Year 2029+	TOTAL (2025 – 2050)
• Operational appropriations								
Budget line <sup>79</sup> 02 20 04 01	Commitments	(1a)	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>
	Payments	(2a)	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>
Budget line	Commitments	(1b)						
	Payments	(2b)						
Appropriations of an administrative nature financed from the envelope of specific programmes <sup>80</sup>								
Budget line		(3)						

<sup>78</sup> Year 2025 is the year in which implementation of the proposal/initiative starts.

<sup>79</sup> According to the official budget nomenclature.

<sup>80</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former ‘BA’ lines), indirect research, direct research.

<b>TOTAL appropriations for DG MOVE</b>	Commitments	=1a+1b +3	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>
	Payments	=2a+2b +3	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>

• TOTAL operational appropriations	Commitments	(4)	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>
	Payments	(5)	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>
• TOTAL appropriations of an administrative nature financed from the envelope for specific programmes		(6)						0.051
<b>TOTAL appropriations under HEADING 1 of the multiannual financial framework</b>	Commitments	=4+ 6	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>
	Payments	=5+ 6	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>

**If more than one operational heading is affected by the proposal / initiative, repeat the section above:**

TOTAL operational appropriations (all operational headings)	Commitments	(4)	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>
	Payments	(5)	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>
TOTAL appropriations of an administrative nature financed from the envelope for specific programmes (all operational headings)		(6)						
<b>TOTAL appropriations under HEADINGS 1 to 6 of the multiannual financial framework (Reference amount)</b>	Commitments	=4+ 6	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>
	Payments	=5+ 6	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>

<b>Heading of multiannual financial framework</b>	<b>7</b>	‘Administrative expenditure’
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This section should be filled in using the 'budget data of an administrative nature' to be firstly introduced in the [Annex to the Legislative Financial Statement](#) (Annex 5 to the Commission decision on the internal rules for the implementation of the Commission section of the general budget of the European Union), which is uploaded to DECIDE for interservice consultation purposes.

EUR million (to three decimal places)

		Year 2025	Year 2026	Year 2027	Year 2028	Year 2029+	TOTAL 2025- - 2050
DG: <.....>							
• Human resources							
• Other administrative expenditure							
<b>TOTAL DG &lt;.....&gt;</b>	Appropriations						

<b>TOTAL appropriations under HEADING 7 of the multiannual financial framework</b>	(Total commitments = Total payments)								
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EUR million (to three decimal places)

		Year 2025	Year 2026	Year 2027	Year 2028	Year 2029+	TOTAL 2025-- 2050
<b>TOTAL appropriations under HEADINGS 1 to 7 of the multiannual financial framework</b>	Commitments	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>
	Payments	0.525	0.050	0.051	0.051	0.051	<b>1.531</b>

3.2.2. Estimated output funded with operational appropriations

Commitment appropriations in EUR million (to three decimal places)

Indicate objectives and outputs ↓			Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)										TOTAL	
	OUTPUTS																	
	Type <sup>81</sup>	Average cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	No	Cost	Total No	Total cost
SPECIFIC OBJECTIVE No 1 <sup>82</sup> ...																		
- Output																		
- Output																		
- Output																		
Subtotal for specific objective No 1																		
SPECIFIC OBJECTIVE No 2 ...																		
- Output																		
Subtotal for specific objective No 2																		
<b>TOTALS</b>																		

<sup>81</sup> Outputs are products and services to be supplied (e.g.: number of student exchanges financed, number of km of roads built, etc.).

<sup>82</sup> As described in point 1.4.2. 'Specific objective(s)...'



### 3.2.3. Summary of estimated impact on administrative appropriations

- The proposal/initiative does not require the use of appropriations of an administrative nature
- The proposal/initiative requires the use of appropriations of an administrative nature, as explained below:

EUR million (to three decimal places)

	Year N <sup>83</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)	TOTAL
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<b>HEADING 7 of the multiannual financial framework</b>								
Human resources								
Other administrative expenditure								
<b>Subtotal HEADING 7 of the multiannual financial framework</b>								

<b>Outside HEADING 7<sup>84</sup> of the multiannual financial framework</b>								
Human resources								
Other expenditure of an administrative nature								
<b>Subtotal outside HEADING 7 of the multiannual financial framework</b>								

<b>TOTAL</b>								
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The appropriations required for human resources and other expenditure of an administrative nature will be met by appropriations from the DG that are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

<sup>83</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

<sup>84</sup> Technical and/or administrative assistance and expenditure in support of the implementation of EU programmes and/or actions (former 'BA' lines), indirect research, direct research.

### 3.2.3.1. Estimated requirements of human resources

- The proposal/initiative does not require the use of human resources.
- The proposal/initiative requires the use of human resources, as explained below:

*Estimate to be expressed in full time equivalent units*

	Year N	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)		
<b>• Establishment plan posts (officials and temporary staff)</b>							
20 01 02 01 (Headquarters and Commission's Representation Offices)							
20 01 02 03 (Delegations)							
01 01 01 01 (Indirect research)							
01 01 01 11 (Direct research)							
Other budget lines (specify)							
<b>• External staff (in Full Time Equivalent unit: FTE)<sup>85</sup></b>							
20 02 01 (AC, END, INT from the 'global envelope')							
20 02 03 (AC, AL, END, INT and JPD in the delegations)							
<b>XX 01 xx yy zz<sup>86</sup></b>	- at Headquarters						
	- in Delegations						
01 01 01 02 (AC, END, INT - Indirect research)							
01 01 01 12 (AC, END, INT - Direct research)							
Other budget lines (specify)							
<b>TOTAL</b>							

**XX** is the policy area or budget title concerned.

The human resources required will be met by staff from the DG who are already assigned to management of the action and/or have been redeployed within the DG, together if necessary with any additional allocation which may be granted to the managing DG under the annual allocation procedure and in the light of budgetary constraints.

Description of tasks to be carried out:

Officials and temporary staff	
External staff	

<sup>85</sup> AC= Contract Staff; AL = Local Staff; END= Seconded National Expert; INT = agency staff; JPD= Junior Professionals in Delegations.

<sup>86</sup> Sub-ceiling for external staff covered by operational appropriations (former 'BA' lines).

### 3.2.4. Compatibility with the current multiannual financial framework

The proposal/initiative:

- can be fully financed through redeployment within the relevant heading of the Multiannual Financial Framework (MFF).

Amounts needed to finance the project will be redeployed from budget line 02.200401..

- requires use of the unallocated margin under the relevant heading of the MFF and/or use of the special instruments as defined in the MFF Regulation.

Explain what is required, specifying the headings and budget lines concerned, the corresponding amounts, and the instruments proposed to be used.

- requires a revision of the MFF.

Explain what is required, specifying the headings and budget lines concerned and the corresponding amounts.

### 3.2.5. Third-party contributions

The proposal/initiative:

- does not provide for co-financing by third parties
- provides for the co-financing by third parties estimated below:

Appropriations in EUR million (to three decimal places)

	Year N <sup>87</sup>	Year N+1	Year N+2	Year N+3	Enter as many years as necessary to show the duration of the impact (see point 1.6)			Total
Specify the co-financing body								
TOTAL appropriations co-financed								

<sup>87</sup> Year N is the year in which implementation of the proposal/initiative starts. Please replace "N" by the expected first year of implementation (for instance: 2021). The same for the following years.

### 3.3. Estimated impact on revenue

- The proposal/initiative has no financial impact on revenue.
- The proposal/initiative has the following financial impact:
  - on own resources
  - on other revenue
  - please indicate, if the revenue is assigned to expenditure lines

EUR million (to three decimal places)

Budget revenue line:	Appropriations available for the current financial year	Impact of the proposal/initiative <sup>88</sup>					Enter as many years as necessary to show the duration of the impact (see point 1.6)		
		Year N	Year N+1	Year N+2	Year N+3				
Article .....									

For assigned revenue, specify the budget expenditure line(s) affected.

Other remarks (e.g. method/formula used for calculating the impact on revenue or any other information).

<sup>88</sup> As regards traditional own resources (customs duties, sugar levies), the amounts indicated must be net amounts, i.e. gross amounts after deduction of 20 % for collection costs.