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COMMISSION STAFF WORKING DOCUMENT

**on the evaluation of cross-border exchange of information on road traffic offences
Executive summary**

1. EXECUTIVE SUMMARY

Directive 2015/413/EU facilitating the cross-border exchange of information on road-safety-related traffic offences¹ ('CBE Directive') provides Member State authorities with access to each other's vehicle registers via an electronic information system (EUCARIS)². This makes it possible to exchange specific vehicle registration data between the Member State in which a road traffic offence is committed and the Member State in which the vehicle is registered, in order to identify the presumed offender. The offences covered by the Directive are: speeding, failing to use of 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 telephone or any other communication devices while driving. Member States were obliged to transpose the CBE Directive by 6 May 2015. Three Member States — the UK, Ireland and Denmark — have a derogation and may transpose the Directive by 6 May 2017.

The CBE Directive only covers some steps of the cross-border enforcement chain. Cases in which the offender refuses to pay the financial penalty are covered by Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties.³

Under Article 11 of the CBE Directive, the Commission is obliged to assess specific aspects of the cross-border enforcement of road traffic rules, including Member States' application of the Directive, and submit a report to the European Parliament and the Council by 7 November 2016. To comply with this obligation, the Commission, supported by external consultants, has evaluated whether the CBE Directive:

- is effective and efficient in reaching its objectives to improve road safety and facilitate the cross-border enforcement of sanctions for road traffic offences;
- is relevant to the identified needs;
- is coherent internally and with other EU policies;
- provides added value at EU level;
- has effects that are sustainable.

While the Commission can provide an account of the current situation, the early timing of this report coming within 18 months of the date of entry into application of the Directive for most Member States, and before the date of entry into application for others, precludes any strong assessment of performance. A long period of application of the Directive would be necessary for sufficient data and evidence to be available for a reasonably full and sound assessment to be made. The evaluation's conclusions are presented below.

The scope of the CBE Directive is 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. It may be useful to consider including additional road-safety-related offences 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, to the scope of the Directive.

¹ OJ L 68, 13.3.2015, p. 9. Directive 2015/413/EU replaced Directive 2011/82/EU which was annulled in May 2014 by the European Court of Justice because of incorrect legal basis (case C-43/12).

² European Vehicle and Driving Licence Information System

³ OJ L 76, 22.3.2005, p. 16

The CBE Directive brings EU added value by making possible the online exchange of vehicle registration data in all Member States; this cannot be as effectively and efficiently ensured by existing bilateral or multilateral agreements.

Although all Member States (except the UK, Ireland and Denmark) have notified complete transposition of the CBE Directive, in most cases the measures transposing the Directive entered into force with delays: in November 2016, the electronic information system EUCARIS was operational only in 23 out of 28 Member States.

The electronic information system provides for effective, expeditious, secure and confidential exchange of vehicle registration data and does not generate unnecessary administrative burden. It has had a positive impact on the cross-border enforcement of sanctions – the number of investigated road traffic offences committed by non-residents (outgoing searches) increased four times between 2013 and 2015. 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; likely because of delayed transposition and implementation of the Directive and the lack of mutual assistance and co-operation between Member States in investigating road traffic offences after exchanging vehicle registration data, especially those with different liability regimes.

A number of other general factors e.g. technical failures in vehicles, road infrastructure, the overall economic context limiting public spending, and the behaviour of road users affect the trends and play a significant role in the current situation where the total number of road fatalities has not seen any significant reduction since 2014. Consequently, it is impossible 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 fatalities and fatal accidents.

From the perspective of external coherence, the CBE Directive has contributed to a more consistent EU road safety legal framework by complementing other measures, e.g. the 3rd Driving Licence Directive.⁴ 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 the rules — fully complement each other.

The significant potential of the CBE Directive to improve road safety can be further maximised. Approximately 50 % of investigated road traffic offences which are committed by non-residents are currently not successfully enforced 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 do not fall under Council Framework Decision 2005/214/JHA. Procedures that apply in cases of non-payment of a financial penalty do not appear to be adequate to the situation where 10 million of road traffic offences being covered by the CBE Directive are estimated to be detected each year and for which financial penalties have to be paid by non-residents.

⁴ Directive 2006/126/EC on driving licences (Recast) OJ L 403, 30.12.2006, p.18