



Council of the
European Union

Brussels, 26 January 2024
(OR. en)

**Interinstitutional File:
2023/0052(COD)**

5532/1/24
REV 1 ADD 1

LIMITE

**TRANS 16
JAI 73
ENFOPOL 19
CODEC 107**

WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Delegations
No. prev. doc.:	ST 5532/24
No. Cion doc.:	ST 6792/23
Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences
	– Revised four column document

In view of the Land Transport working party on 30 January 2024 delegations will find attached the Presidency compromise regarding debt collectors in Article 5b (lines 214-216a).

Recital (24) (line 34) has also been redrafted to align it with the Presidency compromise.

Proposal for a DIRECTIVE amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences
2023/0052(COD)
- Lines 214-216a and 34 -

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (7), amending provision, Article			
214	Article 5b	<u>Article 5b</u> Article 5b <u>Financial claims of legal entities empowered by Member States</u>	deleted	<u>Article 5b</u> <u>Financial claims of private legal entities empowered by Member States</u>
	Article 1, first paragraph, point (7), amending provision, Article, second paragraph			
216	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	<u>1.</u> 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	deleted	<u>1. Member States shall ensure that, if a competent authority were to empower privately owned or managed legal entities with distinct legal personality, these entities can only be involved in enforcing the financial penalties related to road-safety-related traffic offences listed in Article 2(1).</u>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	incurred by administering those proceedings. This is without prejudice for the right of the authorities of Member States to charge proportionate administrative fees.	incurred by administering those proceedings. This is without prejudice for the right of the authorities of Member States to charge proportionate administrative fees.		<p><u>Under no circumstances can these entities be a national contact point or a competent authority, nor will they be involved in gathering or processing the vehicle data or the data of the concerned person.</u></p> <p><u>If these entities were to be empowered as mentioned in paragraph 1, they are only allowed to charge the same proportionate administrative fees, as would be the case if the competent authority were to enforce the financial penalty itself.</u></p>
Article 1, first paragraph, point (7), amending provision, Article, third paragraph				
216a		<p><u>1a. Member States shall ensure that such a private entity enforcing financial penalties acts in accordance with data protection requirements, pursuant to Regulation (EU) 2016/679 and Directive (EU) 2016/680.</u></p>		<p><u>2. Member States shall ensure that such entity supporting competent authorities during the procedures related to road-safety-related traffic offences act in accordance with data protection requirements, pursuant to Regulation (EU) 2016/679 and Directive (EU) 2016/680.</u></p>
Recital 24				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
34	(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.	(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.	deleted	<p><u>(24) To ensure transparent and proportional application of financial penalties to road-safety-related traffic offences, a concerned person should not be subject to any additional charges when the financial penalties are enforced by privately owned or managed legal entities with distinct legal personality. Nevertheless, the competent authorities of the Member States of the offence should be allowed to charge proportionate administrative fees, as would be the case if the competent authorities were to enforce the financial penalty themselves.</u></p> <p>Redrafted in view of the Presidency proposal for Article 5b (L 214-216a)</p>