



Council of the
European Union

Brussels, 26 January 2024
(OR. en)

Interinstitutional File:
2023/0052(COD)

5532/1/24
REV 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 in the annex a revised four-column document.

The 4th column with the draft agreement is compared to the text of the general approach.

Compared to ST 5532/24, the Presidency and the EP found an provisional agreement on lines 111a, 112, 149, 150, 205, 213o-s, 234, 238-244, 246, 247 and 255aa. These have been indicated in green.

Delegation are invited to have a closer look at the following lines.

Regarding deadlines the Presidency would like to finalise a compromise that you can find in lines 22, 30, 100, 122r, 132, 135-137, 146, 171, 184, 191 and 192, marked in red.

Regarding the follow-up documents, the Parliament agreed with the concept in the general approach, but asked for clarifications. Delegations can find the Presidency compromise in lines 213o and 213s, marked in yellow.

Regarding the debt collectors, the Presidency would like to offer a compromise to the Parliament but *the final text will be issued later*. This is marked in red, because the Parliament is still considering this after what was discussed in the last technical meeting. Line 34 will need to be redrafted to align it with the final outcome on this issue.

Regarding the issues of earmarking (lines 42a, 255b-e) and 3rd countries (lines 35a-c, 255f-h), the Presidency has explained the Council position to the Parliament and is waiting for the Parliament's response.

The Presidency has also proposed to include an additional Article 8c regarding bilateral and multilateral agreements between Member States (lines 255ag-ah).

The annex still needs more work.

Proposal for a DIRECTIVE amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences (with annexes)
2023/0052(COD)
- After 4th ITM, 25/01/2024 -

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Formula				
1	2023/0052 (COD)	2023/0052 (COD)	2023/0052 (COD)	2023/0052 (COD)
Proposal Title				
2	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)	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)	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)	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)
Formula				
3	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,	THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Citation 1				
4	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 Treaty on the Functioning of the European Union, and in particular Article 91(1), point (c), thereof,	Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1), point (c) and (d) , thereof,	
Citation 2				
5	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,	Having regard to the proposal from the European Commission,
Citation 3				
6	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,	After transmission of the draft legislative act to the national parliaments,
Citation 4				
7	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>	Having regard to the opinion of the European Economic and Social Committee ¹ , <u>1. OJ C , , p. .</u>
Citation 5				
8				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .	Having regard to the opinion of the Committee of the Regions ¹ , 1. OJ C , , p. .
	Citation 6			
G	9 Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,	Acting in accordance with the ordinary legislative procedure,
	Formula			
G	10 Whereas:	Whereas:	Whereas:	Whereas:
	Recital 1			
R	11 (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.	(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 <u>strictly</u> road-safety-related traffic offences improves road safety as it encourages non-resident drivers to commit fewer offences and drive more safely.	(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.	Including 'strictly' depends on the outcome on the 'vehicle-access-regulations'
	Recital 1a			

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
11a		<u>(1a) It is necessary to understand that there is a high probability of an unavoidable penalty to reduce road traffic hazards. Knowledge of the rules in force in the various Member States promotes road safety and a reduction in traffic offences.</u>		<u>(1a) Knowledge of the rules in force and applicable sanctions in the various Member States promotes road safety and a reduction in traffic offences.</u>
Recital 2				
12	(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	(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	(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	(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

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	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.	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.
	Recital 3			
13	(3) In its EU Road Safety Policy Framework 2021-2030 ¹ , the Commission recommitted to the ambitious goal to get close to zero deaths and zero serious injuries on Union roads by 2050 (“Vision Zero”), and to the medium-term 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	(3) In its EU Road Safety Policy Framework 2021-2030 ¹ , the Commission recommitted to the ambitious goal to get close to zero deaths and zero serious injuries on Union roads by 2050 (“Vision Zero”), and to the medium-term 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	(3) In its EU Road Safety Policy Framework 2021-2030 ¹ , the Commission recommitted to the ambitious goal to get close to zero deaths and zero serious injuries on Union roads by 2050 (“Vision Zero”), and to the medium-term 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	(3) In its EU Road Safety Policy Framework 2021-2030 ¹ , the Commission recommitted to the ambitious goal to get close to zero deaths and zero serious injuries on Union roads by 2050 (“Vision Zero”), and to the medium-term 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

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>future”², announced its intent to revise Directive (EU) 2015/413 of the European Parliament and of the Council³.</p> <p>1. SWD(2019) 283 final 2. 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. 3. Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (OJ L 68, 13.3.2015, p. 9).</p>	<p>future”², announced its intent to revise Directive (EU) 2015/413 of the European Parliament and of the Council³.</p> <p>1. SWD(2019) 283 final 2. 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. 3. Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (OJ L 68, 13.3.2015, p. 9).</p>	<p>future”², announced its intent to revise Directive (EU) 2015/413 of the European Parliament and of the Council³.</p> <p>1. SWD(2019) 283 final 2. 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. 3. Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (OJ L 68, 13.3.2015, p. 9).</p>	<p>future”², announced its intent to revise Directive (EU) 2015/413 of the European Parliament and of the Council³.</p> <p>1. SWD(2019) 283 final 2. 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. 3. Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (OJ L 68, 13.3.2015, p. 9).</p>
Recital 4				
14	<p>(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</p>	<p>(4) The scope of the Directive should be extended to other <u>strictly</u> 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 <u>and direct</u> link to road safety, by addressing dangerous and reckless <u>unlawful</u></p>	<p>(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</p>	<p>Including 'strictly' and the Council amendment depends on the outcome on the 'vehicle-access-regulations'</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	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. While not respecting the rules on vehicle access restrictions not only relates to road safety, but also to traffic management or pollution prevention, it should also be part of the scope as Member States experience similar challenges in enforcing these rules on non-residents. Because of adding the rules on vehicle access restrictions, it would be appropriate to extend the legal basis with Article 91(1), point (d), while taking into account that according to Article 11 of the TFEU environmental protection requirements must be integrated into the implementation of the Union's policies.	
Recital 5				
15	(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	(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	(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	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>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/JHA¹, Directive 2014/41/EU of the European Parliament and of the Council² 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</p>	<p>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/JHA¹, Directive 2014/41/EU of the European Parliament and of the Council² 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</p>	<p>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. Nevertheless, these offences are pursued by Member States in the course of mass procedures in most cases, and as such where the precise identification of the driver is required by the national legislation of the Member State of the offence as a precondition for imposing the relevant sanction, the requirements to use Directive 2014/41/EU of the European Parliament and of the Council¹ set out of Article 6 of that Directive, are in most cases, particularly where the offences are qualified as administrative, not met and thus that Directive cannot be used. In that context the authorities of the Member State of the offence should have a practicable procedure at their disposal to request mutual assistance from the relevant authorities of the Member State of registration or Member State of residence through well-defined measures, which do not seriously</p>	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>European Union³. Further, criminal proceedings demanding specific guarantees for the individuals concerned, the procedural safeguards for suspects and accused persons, enshrined in Directives 2010/64/EU⁴, 2012/13/EU⁵, 2013/48/EU⁶, (EU) 2016/343⁷, (EU) 2016/800⁸ and (EU) 2016/1919 of the European Parliament and of the Council⁹, should also not be affected by the implementation of this Directive.</p> <p>1. 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). 2. 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). 3. OJ C 197, 12.7.2000, p. 3. 4. 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). 5. 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). 6. 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</p>	<p>European Union³. Further, criminal proceedings demanding specific guarantees for the individuals concerned, the procedural safeguards for suspects and accused persons, enshrined in Directives 2010/64/EU⁴, 2012/13/EU⁵, 2013/48/EU⁶, (EU) 2016/343⁷, (EU) 2016/800⁸ and (EU) 2016/1919 of the European Parliament and of the Council⁹, should also not be affected by the implementation of this Directive.</p> <p>1. 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). 2. 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). 3. OJ C 197, 12.7.2000, p. 3. 4. 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). 5. 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). 6. 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</p>	<p>affect the rights of the concerned persons, in order to be able to identify offenders to the degree their national legislation requires. However, this should be without prejudice to situations where in individual cases the conditions for applying Directive 2014/41/EU are deemed to have been fulfilled, in which case the procedures contained therein should be applied by those Member States bound by Directive 2014/41/EU.</p> <p>It should be recalled that a specific Union legal framework regulates judicial cooperation in criminal matters, which is based on the principle of mutual recognition of judgments and judicial decisions. It is therefore necessary that the application of 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/JHA¹², Directive 2014/41/EU of the European Parliament and of the Council²³ as concerns the procedures for</p>	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>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).</p> <p>7. 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).</p> <p>8. 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).</p> <p>9. 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).</p>	<p>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).</p> <p>7. 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).</p> <p>8. 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).</p> <p>9. 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).</p>	<p>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 Union³⁴.-Further, criminal proceedings demanding specific guarantees for the individuals concerned, the procedural safeguards for suspects and accused persons, enshrined in Directives 2010/64/EU⁴⁵, 2012/13/EU⁵⁶, 2013/48/EU⁶⁷, (EU) 2016/343⁷⁸, (EU) 2016/800⁸⁹ and (EU) 2016/1919 of the European Parliament and of the Council⁹¹⁰, should also not be affected by the implementation of this Directive.</p> <p>1. Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (OJ L 76, 22.3.2005, p. 16) Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1).</p> <p>2. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation</p>	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			<p>Order in criminal matters (OJ L 130, 1.5.2014, p. 1) 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).</p> <p>3. Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters (OJ L 130, 1.5.2014, p. 1) OJ C 197, 12.7.2000, p. 3.</p> <p>4. 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) OJ C 197, 12.7.2000, p. 3.</p> <p>5. Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information interpretation and translation in criminal proceedings (OJ L 142, 1.6.2012, p. 1).</p> <p>6. 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) (OJ L 142, 1.6.2012, p. 1).</p> <p>7. 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 right of access to a lawyer in criminal</p>	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			<p>proceedings and in European arrest warrant proceedings, and on the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016 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).</p> <p>8. Directive (EU) 2016/8002016/343 of the European Parliament and of the Council of 11 May9 March 2016 on procedural safeguards for children who are suspects or accused personsthe strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 132, 21.5.201665, 11.3.2016, p. 1).</p> <p>9. Directive (EU) 2016/19192016/800 of the European Parliament and of the Council of 26 October11 May 2016 on legal aid for procedural safeguards for children who are suspects and/or accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings, (OJ L 297, 4.11.201665, 21.5.2016, p. 1).</p> <p>10. 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).</p>	
Recital 6				
16	(6) The responsibilities and competences of national contact	(6) The responsibilities and competences of national contact	(6) The responsibilities and competences of national contact	(6) The responsibilities and competences of national contact

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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 <u>without undue delay</u> . 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.	points should be defined to ensure that they seamlessly cooperate with other <u>all</u> 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 competent 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 competent authority, and in particular regardless of whether the competent authority has national or subnational or local competence.	points should be defined to ensure that they seamlessly cooperate with all 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 competent 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 competent authority, and in particular regardless of whether the competent authority has national or subnational or local competence.
Recital 7				
17	(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	(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	(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	(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

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	databases available and up-to-date to increase the effectiveness of the information exchange.	databases available and up-to-date to increase the effectiveness of the information exchange.	databases available and up-to-date to increase the effectiveness of the information exchange.	databases available and up-to-date to increase the effectiveness of the information exchange.
Recital 7a				
17a		<u>(7a) A number of Member States are now facing a phenomenon where serious road offences are being committed in cars rented in other Member States. The drivers of such rental cars who committed a traffic offence are going unpunished because they can exploit differences in rules from one Member State to another, as well as shortcomings as regards the exchange of information.</u>		<u>(7a) A number of Member States are now facing a phenomenon where serious road offences are being committed in cars rented in other Member States. The drivers of such rental cars who committed a traffic offence are going unpunished because they can exploit differences in rules from one Member State to another, as well as shortcomings as regards the exchange of information.</u>
Recital 8				
18	(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	(8) The Member State of the offence should also be allowed to conduct automated searches in vehicle registers to retrieve <u>the data needed to identify</u> 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	(8) The national contact point of 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	(8) The national contact point of the Member State of the offence should be allowed to conduct automated searches in vehicle registers to retrieve data on end users of vehicles where such information is already available. Furthermore, a data retention period should be established as regards the identity of the previous owners, holders and end users of

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	with the appropriate information they need for the investigation.	the vehicles to provide authorities with the appropriate information they need for the investigation.	the vehicles to provide authorities with the appropriate information they need for the investigation.	the vehicles to provide authorities with the appropriate information they need for the investigation.
Recital 9				
19	<p>(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</p>	<p>(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</p>	<p>(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 use of the highly secured European Vehicle and Driving Licence Information System (Eucaris) software application, and amended versions of that software. Such an This software application should allow for the expeditious, cost-efficient, secure and reliable exchange of specific vehicle registration data between Member States, and therefore increase the efficiency of the investigation. Member States should prevent the not exchange of information by other means, which would be less cost-efficient and</p>	<p>(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 use of the highly secured European Vehicle and Driving Licence Information System (Eucaris) software application, and amended versions of that software. This software application should allow for the expeditious, cost-efficient, secure and reliable exchange of specific vehicle registration data between Member States, and therefore increase the efficiency of the investigation. Member States should not exchange information by other means, which would be less cost-efficient and may not</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	the transmitted data.	the transmitted data.	may not ensure the protection of the transmitted data. Member States should use Eucaris specifically for automated searches of vehicle registration data and mutual assistance in identifying the concerned person, mutual assistance in the service of the traffic offence notice and follow-up documents.	ensure the protection of the transmitted data. Member States should use Eucaris specifically for automated searches of vehicle registration data and mutual assistance in identifying the concerned person, mutual assistance in the service of the traffic offence notice and follow-up documents.
Recital 10				
20	(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.	(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.	(10) In order to ensure uniform conditions for the implementation of the provisions on the searches to be conducted by Member States, the Commission implementing powers should be empowered to adopt implementing acts laying down procedures for such searches conferred on the Commission . 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.	(10) In order to ensure uniform conditions for the implementation of the provisions on the searches to be conducted by Member States, implementing powers should be conferred on the Commission. 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. But needs to be checked with the concrete implementing powers in Article 4-a1 (starting on L122i
Recital 11				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
21	(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.	(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.	(11) In cases where the liable concerned 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 concerned person. To that end, a mutual assistance procedure should be introduced aimed at identifying the liable concerned person, either through a request for confirmation, on the basis of information already held by the competent authority of the Member State of the offence, or through a request for a targeted enquiry to be conducted by the relevant competent authorities of the Member State of registration or of the Member State of residence.	(11) In cases where the concerned 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 concerned person. To that end, a mutual assistance procedure should be introduced aimed at identifying the concerned person, either through a request for confirmation, on the basis of information already held by the competent authority of the Member State of the offence, or through a request for a targeted enquiry to be conducted by the relevant competent authorities of the Member State of registration or of the Member State of residence.
Recital 12				
22	(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	(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	(12) The Member State of registration or Member State of residence should competent authorities of the Member States should use a standard electronic form for the request and	(12) The competent authorities of the Member States should use a standard electronic form for the request and response in order to provide the additional information requested by the competent

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>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.</p>	<p>the liable person within reasonable time <u>a period not exceeding 30 working days</u>. If it is not possible to gather or provide the information, or it is not possible to do so without undue delay <u>within the period set out</u>, a clear explanation should be given as regards the reasons thereof, and the delay be minimised as far as possible <u>may not exceed 20 working days from the date of the notification of these reasons</u>.</p>	<p>response in order to provide the additional information requested by the competent authority of the Member State of the offence necessary for the identification of the liable concerned person and provide the requested information within reasonable time. If it is not possible to gather or provide the information, or it is not possible to do so the competent authority of the Member State of the offence should be informed without undue delay, a clear explanation should be given as regards the reasons thereof, and the delay be minimised as far as possible. Member States should use their national contact points in order to allow for a highly secure and efficient transfer of both the outgoing request for mutual assistance and the incoming response to it.</p>	<p>authority of the Member State of the offence necessary for the identification of the concerned person. <u>Member States should use their national contact points in order to allow for a highly secure and efficient transfer of both the outgoing request for mutual assistance and the incoming response to it.</u></p> <p>and provide The requested information within reasonable time. If it is not possible to gather or provide <u>must be gathered without any undue delay and in any case within the delays mentioned in this Directive.</u></p> <p><u>In gathering</u> the information, the competent authority of the and answering the request, the requested Member State of the offence should be informed without undue delay. Member States should use their national contact points in order to allow for a highly secure and efficient transfer of both the outgoing request for mutual assistance and the incoming response to it <u>shall keep into account both the need for the concerned person to be notified in</u></p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
				<u>due time, as the need of the requesting Member State to be able to take the necessary steps within time, in particular with respect to the statutes of limitation within the national legislation of the requesting Member State.</u>
Recital 13				
23	(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.	(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.	(13) The grounds on which the provision of mutual assistance for the identification of the liable concerned person can be refused by the competent authority of 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.	(13) The grounds on which the provision of mutual assistance for the identification of the concerned person can be refused by the competent authority of 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.
Recital 14				
24	(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.	(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.	(14) Member States should be allowed to use national procedures to identify the concerned person as they would apply if in case the road-safety-related offence had	(14) Member States should be allowed to use national procedures to identify the concerned person as they would apply in case the road-safety-related offence had been

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	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 concerned 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.	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 concerned 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.
Recital 15				
25	(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.	(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.	(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.	(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.

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Recital 16				
26	<p>(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,</p>	<p>(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,</p>	<p>(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 concerned person might not be 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 letter traffic offence notice should be established and the current</p>	<p>(16) The concerned person might not be 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 traffic offence notice 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.</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	as set out Annex II to Directive (EU) 2015/413 should no longer be used.	as set out Annex II to Directive (EU) 2015/413 should no longer be used.	model for an information letter with only basic information, as set out Annex II to Directive (EU) 2015/413 should no longer be used.	
Recital 17				
27	(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 <i>in absentia</i> 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	(17) As a minimum, the information letter should <u>use wording that is understandable to those without legal training and</u> 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 <i>in absentia</i> 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.	(17) As a minimum, the information letter traffic offence notice 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 <i>in absentia</i> concerned absentia procedures should also be provided when applicable, as the presumed liable concerned person may not plan to return to the Member State of offence to participate in the proceedings.	(17) As a minimum, the traffic offence notice 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. A description of <i>in absentia</i> procedures should also be provided when applicable, as the concerned 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

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>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 Council¹, 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 Council². This information should be provided in the information letter either directly or by way of reference to the place where it is made available.</p> <p>¹. 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.</p>	<p>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 Council¹, 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 Council². This information should be provided in the information letter either directly or by way of reference to the place where it is made available.</p> <p>¹. 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</p>	<p>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 lettertraffic offence notice should be the first document the owner, holder or end user of the vehicle or any other presumed liableconcerned person receives, it should contain the information under Article 13 of Directive (EU) 2016/680 of the European Parliament and of the Council¹, 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 Council². This information should be provided in the information lettertraffic offence notice either directly or by way of reference to the place where it is made available.</p> <p>¹. 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</p>	<p>incentivise voluntary cooperation. Finally, as the traffic offence notice should be the first document the concerned person receives, it should contain the information under Article 13 of Directive (EU) 2016/680 of the European Parliament and of the Council¹, 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 Council². This information should be provided in the traffic offence notice either directly or by way of reference to the place where it is made available.</p> <p>¹. 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).</p> <p>². 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</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	89). 2. 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).	movement of such data, and repealing Council Framework Decision 2008/977/JHA, (OJ L 119, 4.5.2016, p. 89). 2. 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).	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). 2. 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).	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).
Recital 18				
28	(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.	(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 <u>including, in particular, a description of the appeal procedure, and, if possible, and</u> be given to the person concerned directly as part of the road control procedures <u>or sent as soon as possible after their completion.</u> <u>Non-resident drivers should also be given sufficient time to avail</u>	(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 the traffic offence notice should contain only certain essential elements, and be given be sent to the non-resident driver. In the cases of on the spot checks in relation to a commission of a road-safety related traffic offence and where the competent authority has enforced the sanction related to the person concerned directly as	(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 traffic offence notice should be sent to the non-resident driver. In the cases of on the spot checks in relation to a commission of a road-safety related traffic offence and where the competent authority has enforced the sanction related to the committed offence on the spot by making the driver pay the fine on the spot, the driver should only be provided with certain essential

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<u>themselves of any right to appeal or to the mitigation of sanctions.</u>	part of the road control procedures committed offence on the spot by making the driver pay the fine on the spot, the driver should only be provided with certain essential elements, on the spot.	elements, on the spot.
Recital 19				
29	(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.	(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.	(19) In order to ensure that the presumed liable concerned person is the one that actually receives the information letter traffic offence notice 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.	(19) In order to ensure that the concerned person is the one that actually receives the traffic offence notice and any follow-up documents, and to avoid the erroneous involvement of non-concerned third parties, rules on service of documents should be laid down.
Recital 20				
30	(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	(20) In the case where it is not possible to deliver documents through registered delivery, <u>registered mail</u> , 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	(20) In the case where it is not possible to deliver documents through post , registered delivery or electronic means of equal value, the competent authority of the Member State of the offence should be allowed to rely on the competent authority of the Member State of registration or of	(20) In the case where it is not possible to deliver documents through post, registered delivery, <u>registered mail</u> or electronic means of equal value, the competent authority of the Member State of the offence should be allowed to rely on the competent authority of the Member State of registration or

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	concerned under their own national legislation governing the service of documents.	communications to the person concerned under their own national legislation governing the service of documents.	residence to service the documents and communications to the concerned person concerned under their own national legislation governing the service of documents. Member States should use their national contact points in order to allow for a secure and efficient transfer of both the outgoing request to deliver procedural documents and the incoming response to it.	of residence to service the documents and communications to the concerned person under their own national legislation governing the service of documents. Member States should use their national contact points in order to allow for a secure and efficient transfer of both the outgoing request to deliver procedural documents and the incoming response to it. Added 'registered mail' - the competent authority can choose how to service the traffic offence notice. See also L30, L213d and L213f
Recital 21				
31	(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	(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	(21) Both the information letter traffic offence notice 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	(21) Both the traffic offence notice and any follow-up documents should be sent in the language of the registration document of the vehicle. In those cases where a traffic offence notice and other follow-up communications are being sent out in a language the recipient does not understand, the concerned person should be allowed to ask to receive the follow-up documents in a different official EU language of choice other than the language of the


	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>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 should be without prejudice to the application of Directive 2010/64/EU, in accordance with its Article 1(3).</p>	<p>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 should be without prejudice to the application of Directive 2010/64/EU, in accordance with its Article 1(3).</p>	<p>to information letters. In those cases where a traffic offence notice and other follow-up communications are 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, the concerned person should be allowed to ask to receive the follow-up documents in a different official EU language, by territorial sub-divisions if deemed necessary. The Commission should publish the indicated language preferences. This should be without prejudice to the application of Directive 2010/64/EU, in accordance with its Article 1(3) of choice other than the language of the registration document of the vehicle.</p>	<p>registration document of the vehicle.</p>
Recital 22				
32	<p>(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</p>	<p>(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</p>	<p><i>deleted</i></p>	<p><i>Deletion accepted</i></p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.		
Recital 23				
33	(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.	(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.	(23) Effective legal review should be provided in case the competent 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.	(23) Effective legal review should be provided in case the competent 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.
Recital 24				
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	(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	deleted	<u>(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</u>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	where such administration is outsourced to private or public entities. Nevertheless, the authorities of Member States should be allowed to charge proportionate administrative fees.	where such administration is outsourced to private or public entities. Nevertheless, the authorities of Member States should be allowed to charge proportionate administrative fees.	PUBLIC	<u>where such administration is outsourced to private or public entities. Nevertheless, the authorities of Member States should be allowed to charge proportionate administrative fees.</u> Needs to be redrafted in view of the outcome on Article 5b (L 214-216a)
Recital 24a				
G 34a			(24a) As Framework Decision 2005/214/JHA is not tailored to mass processing of road-safety-related traffic offences for which small pecuniary sanctions are often qualified as administrative and in order to ensure equal treatment of resident and non-resident drivers, specific provisions in this Directive should be established to provide mutual assistance to enforce administrative decisions on road traffic fines across borders.	(24a) As Framework Decision 2005/214/JHA is not tailored to mass processing of road-safety-related traffic offences for which small pecuniary sanctions are often qualified as administrative and in order to ensure equal treatment of resident and non-resident drivers, specific provisions in this Directive should be established to provide mutual assistance to enforce administrative decisions on road traffic fines across borders.
Recital 24b				
G 34b			(24b) If the competent authority of the Member State of the	(24b) If the competent authority of the Member State of the offence

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			offence cannot transmit a road traffic fine under the Framework Decision 2005/214/JHA, Member States should have the possibility under this Directive to enforce road traffic fines across borders in order to ensure equal treatment of resident and non-resident drivers.	cannot transmit a road traffic fine under the Framework Decision 2005/214/JHA, Member States should have the possibility under this Directive to enforce road traffic fines across borders in order to ensure equal treatment of resident and non-resident drivers.
	Recital 24c			
34c		<u>(24c) Currently, there are no Union-wide means of electronic identification or a certificate recognised by all Member States that would enable Union citizens to access the content of the notifications deposited in the electronic register of the authority issuing the notification, and to submit written claims and appeals electronically. The Commission, in collaboration with Member States, should therefore carry out a review of models for electronic access to registers of traffic offences managed by national authorities and, if appropriate, develop a dedicated digital solution.</u>		<p>There is no corresponding Article to this recital.</p> <p>Will need further consideration</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Recital 25				
G 35	(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.	(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.	(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.	(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.
Recital 25a				
R 35a		<u>(25a) The Commission should explore different means for enhancing the cooperation and exchange of information on road-safety traffic offences to improve enforcement, between the Member States and neighbouring third countries. While this Directive</u>		<u>(25a) To attain the objectives put forward in the EU Road Safety Policy Framework 2021-2030 – Next steps towards “Vision Zero”, it could be considered how to address road-safety-related traffic offences committed by third-country nationals. To that end</u>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<p><u>aims to reduce the impunity of non-resident drivers within the Union, road safety-related offences by non-resident drivers registered outside the Union are a not insignificant problem. This Directive and the use of Eucaris provide a model for the Union and its Member States to establish similar mechanisms for the exchange of information on the covered offences with neighbouring third countries, provided that equivalent protections are afforded to the drivers concerned, particularly as regards data protection.</u></p>		<p><u>different means for enhancing the cooperation and exchange of information on road-safety-related traffic offences between the Member States and third countries, including concerns on the protection of European citizens and their personal data need to be explored. This would be without prejudice of the right of Member States to agree bilateral agreements with third countries on cooperation for the enforcement of road-safety-related traffic offences.</u></p> <p>The Presidency suggest to replace recital (25a), (25b) and (25c) with this recital.</p> <p>Article 8ab (L255f-i) would be deleted.</p>
	Recital 25b			
35b		<p><u>(25b) To attain the objectives put forward in the EU Road Safety Policy Framework 2021-2030 – Next steps towards “Vision Zero”, the effective implementation of Directive (EU) 2015/413 should be complemented by further measures to address road-safety-related traffic offences committed</u></p>		<p>The Presidency suggest to replace recital (25a), (25b) and (25c) with an alternative text in L35a</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<p><u>by third-country nationals. It should be possible for third countries to participate in the exchange of Vehicle Registration Data (VRD), provided that they have concluded an agreement with the Union to this effect. Such an agreement would need to include necessary provisions for data protection. In the event of a long delay before such an agreement is concluded, Member States, in cooperation with the Commission, could develop a dedicated solution to ensure that a traffic offence is signalled at the external border of the Union when the traffic offender intends to cross it, so that the financial penalty can be imposed on the offender by the Member State where the offense took place before he or she leaves the territory of the Union.</u></p>	PUBLIC	
	Recital 25c			
35c		<p><u>(25c) Since the withdrawal of the United Kingdom from the Union, there is no longer a directive concerning the sharing of data between Member States' police forces and the United Kingdom's</u></p>		<p>The Presidency suggest to replace recital (25a), (25b) and (25c) with an alternative text in L35a</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<p><u><i>Driver Vehicle Licensing Agency (DVLA. A mutual assistance scheme exists instead, but, since it is no longer automatic, it is not as efficient as it would otherwise be. As the conclusion of the UK-EU Trade and Cooperation Agreement (TCA) does not include a reference to Directive (EU) 2015/413 and Decision 2005/214/JHA, the Commission should analyse in the light of a legal opinion how best to effectively enforce the offences defined by this Directive under the European Convention on the Mutual Assistance in Criminal Matters of 1959 and its protocols (MLA), identifying effective and efficient measures to improve road safety and at the same time safeguarding data protection requirements, in particular of the Union's vehicle holders and drivers.</i></u></p>		
	Recital 26			
36	(26) As data relating to the identification of an offender constitutes personal data within the meaning of Regulation (EU) 2016/679 and Directive (EU)	(26) As data relating to the identification of an offender constitutes personal data within the meaning of Regulation (EU) 2016/679 and Directive (EU)	(26) As data relating to the identification of an offender constitutes personal data within the meaning of Regulation (EU) 2016/679 and Directive (EU)	(26) As data relating to the identification of an offender constitutes personal data within the meaning of Regulation (EU) 2016/679 and Directive (EU)

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	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.	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.
Recital 27				
37	(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 ¹ 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	(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 ¹ 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	(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 ¹ 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	(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 ¹ 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

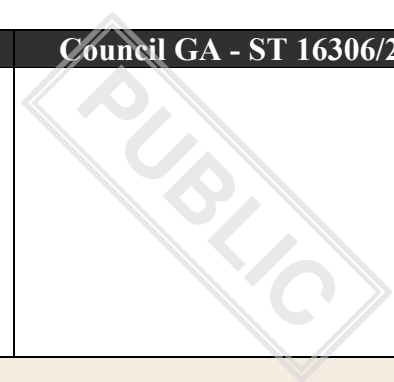
	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	falls within its material and personal scope. 1. COM(2020) 262 final	falls within its material and personal scope. 1. COM(2020) 262 final	falls within its material and personal scope. 1. COM(2020) 262 final	falls within its material and personal scope. 1. COM(2020) 262 final
Recital 28				
38	<p>(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) 2018/1725¹ within their respective scope of application.</p> <p>1. 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).</p>	<p>(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) 2018/1725¹ within their respective scope of application.</p> <p>1. 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).</p>	<p>(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) 2018/1725¹ within their respective scope of application.</p> <p>1. 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).</p>	<p>(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) 2018/1725¹ within their respective scope of application.</p> <p>1. 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).</p>
Recital 29				
39	<p>(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</p>	<p>(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</p>	<p>(29) The legal basis for the processing activities necessary to establish the identity of the liableconcerned person and deliver the information lettertraffic</p>	<p>(29) The legal basis for the processing activities necessary to establish the identity of the concerned person and deliver the traffic offence notice and the</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	offence notice and the follow-up documents to the presumed liable concerned 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 concerned persons for the road-safety-related traffic offences listed in this Directive.	follow-up documents to the concerned 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 concerned persons for the road-safety-related traffic offences listed in this Directive.
Recital 30				
40	(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	(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	(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	(30) In some Member States, the personal data of non-residents 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 ¹ , Member States should

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>European Parliament and of the Council¹, Member States should ensure that they inform each other on cybersecurity incidents related to those data.</p> <p>1. 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>	<p>European Parliament and of the Council¹, Member States should ensure that they inform each other on cybersecurity incidents related to those data.</p> <p>1. 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>	<p>European Parliament and of the Council¹, Member States should ensure that they inform each other on cybersecurity incidents related to those data, where it is relevant for the purposes of this Directive, in particular if it involves data that is processed about or in relation to a concerned person in relation to a road-safety-related traffic offence.</p> <p>1. 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).</p>	<p>ensure that they inform each other on cybersecurity incidents related to those data, where it is relevant for the purposes of this Directive, in particular if it involves data that is processed about or in relation to a concerned person in relation to a road-safety-related traffic offence.</p> <p>1. 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).</p>
Recital 31				
41	<p>(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</p>	<p>(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. <u>Such information should be</u></p>	<p>(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</p>	<p>(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. This information should cover the applicable rules, the appeal options for the concerned person, the road traffic fines that are applied to the</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>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.</p>	<p><u>understandable and accessible.</u> 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. <u>Commission and the Member States</u> The Commission should be the controller <u>joint controllers</u> of the CBE Portal, in accordance with Regulation 2018/1725.</p>	<p>communication between Member States' authorities on various issues related. This information should cover the applicable rules, the appeal options for the concerned person, the road traffic fines that are applied to the cross-border investigation of road-safety-related concerned person when committing a 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 offence, where applicable the applied non-financial repercussions and the schemes and available means for the payment of the road traffic fines. Non-financial repercussions refer to penalty points systems or the fact that</p>	<p>concerned person when committing a traffic offence, where applicable the applied non-financial repercussions and the schemes and available means for the payment of the road traffic fines. Non-financial repercussions refer to penalty points systems or the fact that when committing a specific traffic offence, this can lead to the disqualification to drive by a temporary or permanent withdrawal of the driving licence of the concerned person. The Commission should be the controller of the CBE Portal, in accordance with Regulation 2018/1725.</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			when committing a specific traffic offence, this can lead to the disqualification to drive by a temporary or permanent withdrawal of the driving licence of the concerned person. The Commission should be the controller of the CBE Portal, in accordance with Regulation 2018/1725.	
Recital 32				
42	(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.	(32) The Commission should provide proportionate financial support to for Member States' initiatives <u>and projects</u> , which improve the cross-border cooperation in the enforcement of road-safety-related traffic rules in the Union, <u>including support for the digitisation of the data covered by Annex III to Directive 2010/40/EU relevant for the offences covered under this Directive. Financial support should also cover information campaigns throughout the Union on differences in national legislation, with a particular focus on neighbouring countries.</u>	(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.	(32) The Commission should provide proportionate financial support to for Member States' initiatives <u>and projects</u> , which improve the cross-border cooperation in the enforcement of road-safety-related traffic rules in the Union, <u>including support for the digitisation of the data covered by Annex III to Directive 2010/40/EU relevant for the offences covered under this Directive. Financial support should also cover information campaigns throughout the Union on differences in national legislation, with a particular focus on neighbouring countries.</u> Needs further consideration:



	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
				Commission explained that this recital and corresponding Article 8a (L253-255) is to ensure funding for road-safety coordination. There should be no need to link this to ITS (see also L255a), as CEF2 provides already a lot of funding for ITS
Recital 32a				
R 42a		<u>(32a) EU Member States should be encouraged to set up a transparent system for the allocation of revenues generated by fines and channel revenues from enforcement back into road safety work. This would also increase public confidence in the traffic law enforcement system and contribution it can make to improving road safety.</u>		<u>(32a) While fully respecting the principle of subsidiarity and the principle of budgetary autonomy of Member States, Member States are encouraged to envisage the possibility that a part of the revenues generated from financial penalties for road safety related offences enforced under this Directive, are used to increase road safety.</u> Presidency suggest to replace this recital. Article 8aa (L255b-e) would be deleted.
Recital 32b				
G 42b		<u>(32b) Given significant increases</u>		G

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<u><i>in the level of cross-border road traffic, and continued divergences between the Member States in the field of road safety enforcement, it is appropriate to update the Commission's Recommendation 2004/345/EC on enforcement in the field of road safety, which dates from 2004 in order to take account of advancements since then.</i></u>		Deletion accepted
Recital 33				
43	(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 in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016 ¹ . In	(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 in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016 ¹ . In	(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 in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016 ¹ . In	(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 in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016 ¹ . In

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>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.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>	<p>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.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>	<p>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.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>	<p>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.</p> <p>1. OJ L 123, 12.5.2016, p. 1.</p>
Recital 34				
44	<p>(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</p>	<p>(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</p>	<p>(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 concerned person, the</p>	<p>(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 concerned person, the content of</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>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)¹. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council².</p> <p>1. COM(2022) 720 final 2. 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).</p>	<p>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)¹. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council².</p> <p>1. COM(2022) 720 final 2. 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).</p>	<p>content of electronic forms for the request for mutual assistance for the service of the information lettertraffic offence notice 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)¹. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council².</p> <p>1. COM(2022) 720 final 2. 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).</p>	<p>electronic forms for the request for mutual assistance for the service of the traffic offence notice and of the follow-up documents and the use and maintenance of the CBE Portal. The technical solutions should be aligned with the European Interoperability Framework and the relevant Interoperable Europe solutions referred to in 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)¹. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council².</p> <p>1. COM(2022) 720 final 2. 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).</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Recital 35			
G	45	(35) Directive (EU) 2015/413 should therefore be amended accordingly.	(35) Directive (EU) 2015/413 should therefore be amended accordingly.	(35) Directive (EU) 2015/413 should therefore be amended accordingly.
	Recital 35a			
Y	45a	<u>(35a) It is necessary to highlight that there is a significant problem of non-enforcement of road traffic offences committed by non-residents and that the amendments to Article 1 of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, as amended by Framework Decision 2009/299/JHA, which lays down the definition of a decision, may not be sufficient to tackle this problem effectively. Therefore, the current situation should be assessed, inter alia in the light of a dedicated legal opinion, following which the Commission should, if appropriate, adopt a legislative proposal with a view to improving cooperation between Members States on this issue.</u>		<u>(35a) It is necessary to highlight that there is a significant problem of non-enforcement of road traffic offences committed by non-residents and that the amendments to Article 1 of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, as amended by Framework Decision 2009/299/JHA, which lays down the definition of a decision, may not be sufficient to tackle this problem effectively.</u> Linked to Article 8b - might require some redrafting

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Recital 35b			
G	45b	<u><i>(35b) Member States should ensure that adequate and effective mechanisms are in place for the enforcement or recovery of financial penalties.</i></u>		<u><i>(35b) Member States should ensure that adequate and effective mechanisms are in place for the enforcement or recovery of financial penalties.</i></u> Linked to Article 8b
	Recital 36			
G	46	(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	(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	(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

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	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.	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.
	Recital 37			
47	<p>(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 Council¹ and delivered an opinion on [DD/MM/YYYY].</p> <p>1. 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).</p>	<p>(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 Council¹ and delivered an opinion on [DD/MM/YYYY].</p> <p>1. 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).</p>	<p>(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 Council¹ and delivered an opinion on [DD/MM/YYYY].</p> <p>1. 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).</p>	<p>(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 Council¹ and delivered an opinion on [DD/MM/YYYY].</p> <p>1. 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).</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Recital 38				
48	<p>(38) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹, 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,</p> <p>¹ OJ C 369, 17.12.2011, p. 14.</p>	<p>(38) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents¹, 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,</p> <p>¹ OJ C 369, 17.12.2011, p. 14.</p>	deleted	
Formula				
49	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:	HAVE ADOPTED THIS DIRECTIVE:
Article 1				
50	Article 1	Article 1	Article 1	Article 1

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph			
51	Directive (EU) 2015/413 is amended as follows:	Directive (EU) 2015/413 is amended as follows:	Directive (EU) 2015/413 is amended as follows:	Directive (EU) 2015/413 is amended as follows:
	Article 1, first paragraph, point (-1)			
51a			(-1) The title of the Directive is replaced by the following:	(-1) The title of the Directive is replaced by the following:
	Article 1, first paragraph, point (-1), amending provision, first paragraph			
51b			DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2015/413 facilitating cross-border exchange of information and mutual assistance on road-safety-related traffic offences	DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2015/413 facilitating cross-border exchange of information and mutual assistance on road-safety-related traffic offences
	Article 1, first paragraph, point (-1a)			
51c			(-1a) Article 1 is replaced by the following:	(-1a) Article 1 is replaced by the following:
	Article 1, first paragraph, point (-1a), amending provision, first paragraph			

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
51d			<p>‘</p> <p>This Directive aims to ensure a high level of protection for all road users in the Union by facilitating the cross-border exchange of information on road-safety-related traffic offences and by facilitating the enforcement of sanctions, where those offences are committed with a vehicle registered in a Member State other than the Member State in which the offence took place.</p> <p>’</p>	<p>‘</p> <p>This Directive aims to ensure a high level of protection for all road users in the Union by facilitating the cross-border exchange of information on road-safety-related traffic offences and by facilitating the enforcement of sanctions, where those offences are committed with a vehicle registered in a Member State other than the Member State in which the offence took place.</p> <p>’</p>
Article 1, first paragraph, point (1)				
52	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:	(1) Article 2 is amended as follows:
Article 1, first paragraph, point (1)(a)				
53	(a) in the first paragraph, the following points are added:	(a) in the first paragraph, the following points are added:	(a) in the first paragraph, the following points are added:	(a) in the first paragraph, the following points are added:
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (i)				
54	‘ (i) not keeping sufficient distance	‘ (i) not keeping sufficient <u>the</u>	‘ (i) not keeping sufficient distance	‘ (i) not keeping sufficient distance

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	from the vehicle in front;	<u>required</u> distance from the vehicle in front;	from the vehicle in front;	from the vehicle in front;
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (j)				
55	(j) dangerous overtaking;	(j) dangerous overtaking <u>that does not comply with traffic regulations</u> ;	(j) dangerous overtaking;	(j) dangerous overtaking;
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (k)				
56	(k) dangerous parking;	(k) dangerous parking <u>in an unauthorised place posing a serious risk to other road users</u> ;	(k) dangerous parking;	(k) dangerous parking;
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (l)				
57	(l) crossing one or more solid white lines;	(l) crossing one or more solid white lines;	(l) crossing one or more solid white lines;	(l) crossing one or more solid lines;
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (m)				
58	(m) wrong-way driving;	(m) wrong-way driving;	(m) wrong-way driving;	(m) wrong-way driving;
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (n)				
59	(n) not respecting the rules on the creation and use of emergency corridors;	(n) not respecting the rules on the creation and use of emergency corridors;	(n) not respecting the rules on the creation and use of emergency corridors or giving way to	(n) not respecting the rules on the creation and use of emergency corridors or giving way to

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			emergency service vehicles;	emergency service vehicles;
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (p)				
60	(p) use of an overloaded vehicle.;	(p) use-of <u>driving</u> an overloaded vehicle.;	(p) (o) use of an overloaded vehicle.;	
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (pa)				
60a			(p) not respecting the rules on vehicle-access-restrictions;	
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (pa)				
60b		<u>(pa) hit-and-run;</u>	(q) hit-and-run;	(q) hit-and-run;
Article 1, first paragraph, point (1)(a), amending provision, numbered paragraph (pb)				
60c			(r) not respecting the rules at a railway level-crossing;	(r) not respecting the rules at a railway level-crossing;
Article 1, first paragraph, point (1)(b)				
61	(b) the following paragraph is added:	(b) the following paragraph is added:	(b) the following paragraph is added:	(b) the following paragraph is added:
Article 1, first paragraph, point (1)(b), amending provision, first paragraph				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
62	<p>‘</p> <p>This Directive shall not affect the rights and obligations stemming from the following provisions of Union legal acts:</p>	<p>‘</p> <p>This Directive shall not affect the rights and obligations stemming from the following provisions of Union legal acts:</p>	<p>‘</p> <p>This Directive shall not affect the rights and obligations stemming from the following provisions of Union legal acts:</p>	<p>‘</p> <p>This Directive shall not affect the rights and obligations stemming from the following provisions of Union legal acts:</p>
Article 1, first paragraph, point (1)(b), amending provision, first paragraph, point (a)				
63	<p>(a) Council Framework Decision 2005/214/JHA;</p>	<p>(a) Council Framework Decision 2005/214/JHA;</p>	<p>(a) Council Framework Decision 2005/214/JHA¹;</p> <p>1. 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).</p>	<p>(a) Council Framework Decision 2005/214/JHA¹;</p> <p>1. 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).</p>
Article 1, first paragraph, point (1)(b), amending provision, first paragraph, point (b)				
64	<p>(b) Directive 2014/41/EU of the European Parliament and of the Council*;</p>	<p>(b) Directive 2014/41/EU of the European Parliament and of the Council^{*1};</p> <p><u>1. 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).</u></p>	<p>(b) Directive 2014/41/EU of the European Parliament and of the Council^{*1};</p> <p>1. 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).</p>	<p>(b) Directive 2014/41/EU of the European Parliament and of the Council¹;</p> <p>1. 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).</p>
Article 1, first paragraph, point (1)(b), amending provision, first paragraph, point (c)				
65				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	(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**;	(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** ¹ ; <u>1. OJ C 197, 12.7.2000, p.3.</u>	(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** ¹ ; <u>1. OJ C 197, 12.7.2000, p.3.</u>	(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 ¹ ; <u>1. OJ C 197, 12.7.2000, p.3.</u>
	Article 1, first paragraph, point (1)(b), amending provision, first paragraph, point (d)			
66	(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*****.	(d) the provisions concerning the rights of suspects and accused persons laid down in Directives 2010/64/EU*** ¹ , 2012/13/EU*** ² , 2013/48/EU*** ³ , (EU) 2016/343*** ⁴ , (EU) 2016/800*** ⁵ and (EU) 2016/1919 of the European Parliament and of the Council*** ⁶ . <u>1. 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).</u> <u>2. Directive 2012/13/EU of the European Parliament and of the Council of 22 May</u>	(d) the provisions concerning the rights of suspects and accused persons laid down in Directives 2010/64/EU*** ¹ , 2012/13/EU*** ² , 2013/48/EU*** ³ , (EU) 2016/343*** ⁴ , (EU) 2016/800*** ⁵ and (EU) 2016/1919 of the European Parliament and of the Council*** ⁶ . <u>1. 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).</u> <u>2. Directive 2012/13/EU of the European</u>	(d) the provisions concerning the rights of suspects and accused persons laid down in Directives 2010/64/EU ¹ , 2012/13/EU ² , 2013/48/EU ³ , (EU) 2016/343 ⁴ , (EU) 2016/800 ⁵ and (EU) 2016/1919 of the European Parliament and of the Council ⁶ . <u>1. 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).</u> <u>2. 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).</u> <u>3. Directive 2013/48/EU of the European Parliament and of the Council of 22</u>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<p><u>2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p.1).</u></p> <p><u>3. 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).</u></p> <p><u>4. 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).</u></p> <p><u>5. 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).</u></p> <p><u>6. 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).</u></p>	<p>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).</p> <p>3. 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).</p> <p>4. 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).</p> <p>5. 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).</p> <p>6. 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).</p>	<p>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).</p> <p>4. 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).</p> <p>5. 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).</p> <p>6. 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).</p>
	Article 1, first paragraph, point (2)			
76	(2) Article 3 is amended as	(2) Article 3 is amended as	(2) Article 3 is amended as	(2) Article 3 is amended as

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	follows:	follows:	follows:	follows:
Article 1, first paragraph, point (2)(a)				
77	(a) point (j) is replaced by the following:	(a) point (j) is <u>points (a) and (j) are</u> replaced by the following:	(a) point (j) is points (a), (j) and (l) are replaced by the following:	(a) points (a), (j) and (l) are replaced by the following:
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (a)				
77a		‘ <u>(a) ‘vehicle’ means any motorised vehicle propelled exclusively by mechanical power, which is normally used for carrying persons or goods by road;</u>	‘ (a) ‘vehicle’ means any vehicle subject to registration according to the law of the Member State of registration or Member State of offence, vehicle combination or its trailer, which is normally used for carrying persons or goods by road;	
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (j)				
78	‘ (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;	(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, <u>footpath or cycle lane or a lane which is</u> or a temporarily closed lane for reasons of congestion or road works, as defined in the law of the Member State of the offence.’;	(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;	‘ (j) ‘use of a forbidden lane’ means illegally using part of an already existing permanent or temporary road section, as defined in the law of the Member State of the offence;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Article 1, first paragraph, point (2)(a), amending provision, numbered paragraph (ja)				
78a			<p>(l) ‘national contact point’ means the authorities designated for the purposes of the incoming and outgoing automated exchange of vehicle registration data in accordance with Article 4, the incoming and outgoing requests for mutual assistance to identify the concerned person in accordance with Article 4a, the incoming and outgoing requests for mutual assistance to send the traffic offence notice or the follow-up documents to the concerned person in accordance with Article 5a1 and the incoming and outgoing requests and responses for mutual assistance in enforcement of final administrative decisions on road traffic fines imposed for road-safety-related traffic offences in accordance with Article 8b.</p>	<p>(l) ‘national contact point’ means the authorities designated for the purposes of the incoming and outgoing automated exchange of vehicle registration data in accordance with Article 4, the incoming and outgoing requests for mutual assistance to identify the concerned person in accordance with Article 4a, the incoming and outgoing requests for mutual assistance to send the traffic offence notice or the follow-up documents to the concerned person in accordance with Article 5a1 and the incoming and outgoing requests and responses for mutual assistance in enforcement of final administrative decisions on road traffic fines imposed for road-safety-related traffic offences in accordance with Article 8b.</p> <p>Pending the exclusion of debt collectors</p>
Article 1, first paragraph, point (2)(b)				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
79	(b) point (l) is replaced by the following:	(b) point (l) is replaced by the following:	Integrated in L77	
Article 1, first paragraph, point (2)(b), amending provision, numbered paragraph (l)				
80	‘ (l) ‘national contact point’ means a competent authority designated for the purposes of this Directive; ’,	‘ (l) ‘national contact point <u>points</u> ’ means a competent authority designated for the purposes of this Directive <u>competent authorities through which information is exchanged between Member State of offence and Member State of registration</u> ; ’,	Moved to L78a	
Article 1, first paragraph, point (2)(c)				
81	(c) the following points (o) to (z) are added:	(c) the following points (o) to (z) are added:	(c) the following points (o) to (z) (zd) are added:	(c) the following points (o) to (zd) are added:
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (o)				
82	‘ (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	‘ (o) ‘not keeping sufficient <u>the required</u> distance from the vehicle in front’ means not maintaining the <u>safe</u> distance necessary to avoid collision with the vehicle in front of the vehicle driven by the driver,	‘ (o) ‘not keeping sufficient distance from the vehicle in front’ means not maintaining the distance necessary to avoid collision with safe distance to the vehicle in front of the vehicle driven by the	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	preceding vehicle were to suddenly slow down or stop, as defined in the law of the Member State of the offence;	if the preceding vehicle were to suddenly slow down or stop, as defined in the law of the Member State of the offence;	driver, if the preceding vehicle were to suddenly slow down or stop, as defined in the law of the Member State of the offence;	
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (p)				
83	(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;	(p) ‘dangerous overtaking <u>that does not comply with traffic regulations</u> ’ 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;	(p) ‘dangerous overtaking’ means overtaking another vehicle or another road user in a way that infringes the applicable rules on dangerous overtaking in overtaking, as defined in the law of the Member State of the offence;	‘ (p) ‘dangerous overtaking’ means overtaking another vehicle or another road user in a way that infringes the applicable rules on overtaking, as defined in the law of the Member State of the offence;
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (q)				
84	(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;	(q) ‘dangerous parking <u>in an unauthorised place posing a serious risk to other road users</u> ’ means parking the vehicle in a way that infringes the applicable rules on dangerous parking in the Member State of the offence- <u>and that has a negative impact on road safety, with the exception of failure to pay parking fees and other similar offences</u> shall not be considered dangerous parking;	(q) ‘dangerous parking’ means parking or stopping the vehicle in a way that infringes the applicable rules on parking or stopping in a dangerous parking in way, as defined in the law of the Member State of the offence. Failure to pay parking fees and other similar offences shall not be considered dangerous parking;	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (r)				
85	(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;	(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;	(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;	(r) ‘crossing one or more solid lines’ means changing lanes with the vehicle through unlawfully crossing at least one solid line, as defined in the law of the Member State of the offence;
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (s)				
86	(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;	(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;	(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;	(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;
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (t)				
87	(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	(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	(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 service vehicles, which has to be formed by the drivers in order’ means non-compliance with the rules to enable	(t) ‘not respecting the rules on the creation and use of emergency corridors or <u>not</u> giving way to emergency service vehicles’ means non-compliance with the rules to enable emergency service vehicles, such as police vehicles, rescue vehicles or fire trucks, to pass through and arrive to the site of emergency, as defined in the law of the Member State of the offence;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	pass through and arrive to the site of emergency, as defined in the law of the Member State of the offence;	pass through and arrive to the site of emergency, as defined in the law of the Member State of the offence;	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;	
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (u)				
88	(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;	(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;	(u) ‘use of an overloaded vehicle’ means using a vehicle that does not comply with the requirements set for its maximum authorized weights or maximum authorised axle weights , as laid down in the national laws, regulations or administrative provisions transposing Council Directive 96/53/EC ¹ , 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; <u>1. 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).</u>	(u) ‘use of an overloaded vehicle’ means using a vehicle that does not comply with the requirements set for its maximum authorized weights or maximum authorised axle weights, as laid down in the national laws, regulations or administrative provisions transposing Council Directive 96/53/EC ¹ , 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; <u>1. 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).</u>
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (v)				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
89	(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);	(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);	(v) ‘ information letter traffic offence notice ’ means the first communication received issued 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 competent authority of 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 to the concerned person and which contains at least the information referred to in Article 5(2);	(v) ‘traffic offence notice’ means the first communication issued by the competent authority of the Member State of the offence to the concerned person and which contains at least the information referred to in Article 5(2);
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (w)				
90	(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;	(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;	(w) ‘follow-up documents’ mean administrative or judicial decisions means any decision or any other documents that the Member State competent authority of the offence, or any entity empowered to do so under its law, Member State of the offence issues after the information letter traffic offence notice in connection to that letter notice or to the road-safety-related traffic road-safety-related traffic offence in	(w) ‘follow-up documents’ means any decision or any other documents that the competent authority of the Member State of the offence issues after the traffic offence notice in connection to that notice or to the road-safety-related traffic offence in question, until the stage of appeal before a competent court;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			question, until the stage of appeal before a competent court;	
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (x)				
91	(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;	(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;	(x) ‘ liable concerned person’ means the person who is identified as personally 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 or the owner, holder, end user or the driver of the vehicle with which a road-safety-related traffic offence listed in Article 2(1) was committed, regardless of not being identified as personally liable in accordance with the national law of the Member State of the offence;	(x) ‘concerned person’ means the person who is identified as personally 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 or the owner, holder, end user or the driver of the vehicle with which a road-safety-related traffic offence listed in Article 2(1) was committed, regardless of not being identified as personally liable in accordance with the national law of the Member State of the offence; Definition is OK, but the EP is asking if the word 'concerned' cannot be replaced by another word/term.
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (y)				
92	(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	(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	(y) ‘end user’ means any natural person who is not the owner or the holder of the vehicle with which one of the offences a road-safety-related traffic offence listed in Article 2(1) was committed, but	(y) ‘end user’ means any natural person who is not the owner or the holder of the vehicle with which a road-safety-related traffic offence listed in Article 2(1) was committed, but who was lawfully

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	particular under a long-term lease or rental contract or as part of a vehicle fleet available to employees;	particular under a long-term lease or rental contract or as part of a vehicle fleet available to employees;	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;	using that vehicle, in particular under a long-term lease or rental contract or as part of a vehicle fleet available to employees;
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (z)				
93	(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.	(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.	(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 normal residence of the persons referred to in Article 5(1), second subparagraph. concerned person;	(z) ‘Member State of residence’ means any Member State that can be assumed to a reasonable degree of certainty to be the place of normal residence of the concerned person;
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (za)				
93a			(za) ‘not respecting the rules on vehicle-access-restrictions’ means not respecting the rules on vehicle-access-restrictions or making use of the infrastructure that is part of the territory of a Member State, as delimited by the competent authority of that Member State for the purpose of ensuring road safety, managing traffic or preventing pollution. Conducts falling under this definition shall not be covered by	(za) ‘not respecting the rules on vehicle-access-restrictions’ means not respecting the rules on vehicle-access-restrictions or making use of the infrastructure that is part of the territory of a Member State, as delimited by the competent authority of that Member State for the purpose of ensuring road safety, managing traffic or preventing pollution. Conducts falling under this definition shall not be covered by the Directive, in

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			the Directive, in the following cases:	the following cases:
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (za), point (i)				
93b			<p>(i) information on the boundaries of restrictions, prohibitions or obligations with zonal validity, current access status and conditions for circulation in vehicle-access-restricted zones as well as data on permanent vehicle-access-restrictions was not created and made accessible via the national access point in accordance with Commission Delegated Regulation (EU) 2022/670¹;</p> <p>1. Commission Delegated Regulation (EU) 2022/670 of 2 February 2022 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 122, 25.4.2022, p. 1).</p>	<p>(i) information on the boundaries of restrictions, prohibitions or obligations with zonal validity, current access status and conditions for circulation in vehicle-access-restricted zones as well as data on permanent vehicle-access-restrictions was not created and made accessible via the national access point in accordance with Commission Delegated Regulation (EU) 2022/670¹;</p> <p>1. Commission Delegated Regulation (EU) 2022/670 of 2 February 2022 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 122, 25.4.2022, p. 1).</p>
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (za), point (i)				
93c			(ii) not respecting the rules related to charges and other fees that are to be paid before entering an area subject to	(ii) not respecting the rules related to charges and other fees that are to be paid before entering an area subject to vehicle-access-

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			vehicle-access-restrictions;	restrictions;
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (za)				
93d		<u>(za) ‘debt collection service provider’ is a private entity with separate legal personality which administers the follow-up proceedings initiated under Article 5(1) of this Directive, or a part thereof, including the enforcement of financial penalties, accredited at a national contact point to request the vehicle registration data, and a subject to Regulation (EU) 2016/679 and Directive (EU) 2016/680;</u>		
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (zb)				
93e		<u>(ta) ‘hit-and-run’ means a situation in which the offender drives away after causing an accident or traffic collision in order to avoid facing the criminal consequences of the offence associated with serious injuries and fatalities;</u>	(zb) ‘hit-and-run’ means a situation in which the offender drives away after causing an accident or traffic collision in order to avoid facing the consequences of the accident or traffic collision, as defined in the law of the Member State of the offence;	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (zb)				
93f			(zc) ‘not respecting the rules at a railway level-crossing’ means not stopping or acting in a dangerous way at a railway level-crossing, as defined in the law of the Member State of the offence;	(zc) ‘not respecting the rules at a railway level-crossing’ means not stopping or acting in a dangerous way at a railway level-crossing, as defined in the law of the Member State of the offence;
Article 1, first paragraph, point (2)(c), amending provision, numbered paragraph (zc)				
93g		<u>(zb) ‘competent authority’ is an authority designated for the purposes of this Directive;</u>	(zd) ‘competent authority’ means the authority responsible for registration of vehicles or drivers, for starting the follow-up proceedings or investigating the road-safety-related traffic offences listed in Article 2(1) or enforcing relevant sanctions, in accordance with the national legislation of Member States;	(zd) ‘competent authority’ means the authority responsible for registration of vehicles or drivers, for starting the follow-up proceedings or investigating the road-safety-related traffic offences listed in Article 2(1) or enforcing relevant sanctions, in accordance with the national legislation of Member States; <u>Pending the exclusion of debt collectors</u>
Article 1, first paragraph, point (3)				
96	(3) the following Article 3a is inserted:	(3) the following Article 3a is inserted:	(3) the following Article 3a-is inserted:	(3) the following Article is inserted:
Article 1, first paragraph, point (3), amending provision, Article				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
97	Article 3a	<p><u>Article 3a</u></p> <p>Article 3a <u>National contact points</u></p>	<p>Article 3a</p> <p>Article 3a National contact points</p>	<p>Article 3a</p> <p>National contact points</p>
Article 1, first paragraph, point (3), amending provision, numbered paragraph (1)				
99	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.	1. For the purposes of the exchange of information <u>and the provision of mutual assistance</u> 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.	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 one or more national contact points shall be governed by the applicable law of the Member State concerned. for:	1. Each Member State shall designate one or more national contact points for:
Article 1, first paragraph, point (3), amending provision, numbered paragraph (1), point (a)				
99a			(a) automated exchange of vehicle registration data in accordance with Article 4;	(a) automated exchange of vehicle registration data in accordance with Article 4;
Article 1, first paragraph, point (3), amending provision, numbered paragraph (1), point (b)				
99b			(b) the incoming and outgoing requests and responses for mutual assistance to identify the concerned person in accordance with Article 4a;	(b) the incoming and outgoing requests and responses for mutual assistance to identify the concerned person in accordance with Article 4a;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Article 1, first paragraph, point (3), amending provision, numbered paragraph (1), point (c)				
G	99c		(c) the incoming and outgoing requests and responses for mutual assistance to service the traffic offence notice or the follow-up documents to the concerned person in accordance with Article 5a1 and	(c) the incoming and outgoing requests and responses for mutual assistance to service the traffic offence notice or the follow-up documents to the concerned person in accordance with Article 5a1 and
Article 1, first paragraph, point (3), amending provision, numbered paragraph (1), point (d)				
G	99d		(d) the incoming and outgoing requests and responses for mutual assistance in enforcement of final administrative decisions on road traffic fines imposed for road-safety-related traffic offences in accordance with Article 8b.	(d) the incoming and outgoing requests and responses for mutual assistance in enforcement of final administrative decisions on road traffic fines imposed for road-safety-related traffic offences in accordance with Article 8b.
Article 1, first paragraph, point (3), amending provision, numbered paragraph (1), point (e)				
G	99e		The powers of the national contact points shall be governed by the applicable law of the Member State concerned.	The powers of the national contact points shall be governed by the applicable law of the Member State concerned.
Article 1, first paragraph, point (3), amending provision, numbered paragraph (2)				
R	100	2. Member States shall ensure that	2. Member States shall ensure that	2. Member States shall ensure that

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.;	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.;	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 each other 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.;	their respective national contact points cooperate with each other in order to ensure that all necessary information is shared in due time, <u>and that the time limits laid down in Article 4a(4), Article 4a(7) and Article 5a(2) are complied with.</u>
Article 1, first paragraph, point (4)				
101	(4) Article 4 is replaced by the following:	(4) Article 4 is replaced by the following:	(4) Article 4 is replaced by the following:	(4) Article 4 is replaced by the following:
Article 1, first paragraph, point (4), amending provision, Article				
102	Article 4	<u>Article 4</u> Article 4 <u>Procedures for the exchange of information between Member States</u>	Article 4 Article 4 Procedures for the exchange of vehicle registration data and mutual assistance between Member States	Article 4 Procedures for the exchange of vehicle registration data and mutual assistance between Member States
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1), first subparagraph				
104	1. For the investigation of the road-safety-related traffic offences	1. For the investigation of the road-safety-related traffic offences	1. For the investigation of the road-safety-related traffic offences	1. For the investigation of the road-safety-related traffic offences

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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:	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:	listed in Article 2(1) that were detected on the territory of the Member State of the offence, the Member State of registration shall grant other Member States' the national contact points of the Member State of offence access to the following national vehicle registration data, with the power to conduct automated searches thereon:	listed in Article 2(1) that were detected on the territory of the Member State of the offence, the Member State of registration shall grant the national contact points of the Member State of offence access to the following national vehicle registration data, with the power to conduct automated searches thereon:
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1), first subparagraph, point (a)				
105	(a) data relating to vehicles;	(a) data relating to vehicles;	(a) data relating to vehicles;	(a) data relating to vehicles;
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1), first subparagraph, point (b)				
106	(b) data relating to owners, holders, or end users of the vehicles where available.	(b) data relating to owners, <u>or holders, or end users of the vehicles where available of vehicles or, where applicable and available, data identifying the end users thereof.</u>	(b) data relating to owners, holders, or holders and, where available, owners and end users of the vehicles where available .	(b) data relating to holders and, where available, owners and end users of the vehicles.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1), second subparagraph				
107	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 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 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 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

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	the Annex.	the Annex.	the Annex.	the Annex.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1), third subparagraph				
108	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.	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.	When conducting a search in the form of an outgoing request, the national contact point competent authority of the Member State of the offence shall use a full registration number. The competent authority of the Member State of the offence shall also ensure that each outgoing request includes the name of the competent authority making the request, the username of the person handling the request and the case number of the request.	When conducting a search in the form of an outgoing request, the competent authority of the Member State of the offence shall use a full registration number. The competent authority of the Member State of the offence shall also ensure that each outgoing request includes the name of the competent authority making the request, the username of the person handling the request and the case number of the request.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1), third subparagraph a				
108a		<u><i>A competent authority may first request access to the data relating to vehicles, as detailed in Section 2, Part I of the Annex in order to determine if an offence has been committed. Where, on the basis of such data, it is established that an offence was committed, the competent authority shall request access to the data concerning the</i></u>	1a. In order to establish in the case of the traffic offences listed in Article 2(1), where appropriate, if a relevant traffic offence has been committed with a vehicle, the competent authority may first request access, via its national contact point, only to vehicle technical data contained in Section 2, Part	1a. In order to establish in the case of the traffic offences listed in Article 2(1), where appropriate, if a relevant traffic offence has been committed with a vehicle, the competent authority may first request access, via its national contact point, only to vehicle technical data contained in Section 2, Part I of the Annex. When it is

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<p><u>owner, holder or end user of the vehicles, as detailed in Section 2, Parts II, III, IV or V of the Annex.</u></p> <p>EP proposed this originally as subparagraph 3a (new) – but it corresponds with the Council proposal in this line.</p>	<p>I of the Annex. When it is established that an offence is committed, the competent authority may subsequently request access, via its national contact point, to the personal data related to the concerned person contained in Section 2, Parts II, III, IV and V of the Annex.</p>	<p>established that an offence is committed, the competent authority may subsequently request access, via its national contact point, to the personal data related to the concerned person contained in Section 2, Parts II, III, IV and V of the Annex.</p>
Article 1, first paragraph, point (4), amending provision, numbered paragraph (1), fifth subparagraph				
108b			<p>1b. The Member State of the offence shall use the data obtained in the investigation of the road-safety-related traffic offences listed in Article 2(1) in order to establish who is personally liable for these road-safety-related traffic offences as defined in the law of the Member State of the offence.</p>	<p>1b. The Member State of the offence shall use the data obtained in the investigation of the road-safety-related traffic offences listed in Article 2(1) in order to establish who is personally liable for these road-safety-related traffic offences as defined in the law of the Member State of the offence.</p>
Article 1, first paragraph, point (4), amending provision, numbered paragraph (2)				
109	<p>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.</p>	<p>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.</p>	<p><i>deleted</i></p> <p>Moved to a new Article 4-a / L122f</p>	<p><i>Deletion accepted</i></p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Article 1, first paragraph, point (4), amending provision, numbered paragraph (3)				
110	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.	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, <u>and for no longer than 4 years.</u>	deleted Moved to a new Article 4-a / L122g	EP refers to the opinion of the EDPS. Commission explains that MS keep the data for other reasons than CBE
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), first subparagraph				
111	4. Member States shall return the message ‘Information not disclosed’ instead of the requested data elements in the following cases:	4. Member States shall return the message ‘Information not disclosed’ instead of the requested data elements in the following cases:	4. Member States shall return the message ‘Information not disclosed’ instead of the requested data elements The national contact point of the Member State of registration shall ensure that at least in the following cases a specific message is returned, informing that at the time of the offence:	4. The national contact point of the Member State of registration shall ensure that at least in the following cases a specific message is returned, informing that at the time of the offence:
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), first subparagraph, point (-a)				
111a				<u>(-a) the vehicle was scrapped;</u> EP would like to keep the option of 'scrapped vehicle'.

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), first subparagraph, point (a)				
112	(a) the vehicle was scrapped;	(a) the vehicle was scrapped;	(a) the vehicle was scrapped and is recorded as stolen in any national register;	(a) the vehicle is recorded as stolen in any national register;
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), first subparagraph, point (b)				
113	(b) the vehicle's full registration number is not provided in the search conducted in the form of an outgoing request under paragraph 1;	(b) the vehicle's full registration number is not provided in the search conducted in the form of an outgoing request under paragraph 1 <u>or is provided but is invalid;</u>	(b) the vehicle's full registration number is not provided in the search conducted in the form of an outgoing request under paragraph 1 plate is recorded as stolen in any national register;	(b) the vehicle registration plate is recorded as stolen in any national register;
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), first subparagraph, point (c)				
114	(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.	(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.	(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. no information of a registered vehicle is found in the form of an outgoing request under paragraph 1, is outdated or incorrect. national vehicle register;	(c) no information of a registered vehicle is found in the national vehicle register;
Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), first subparagraph, point (ca)				
114a			(d) the search input is detected as not correct, based on some national syntax requirements;	(d) the search input is detected as not correct, based on some national syntax requirements;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), first subparagraph, point (cb)			
114b			(e) the information cannot be disclosed in the case that the requested information would reveal the identity of a person protected in accordance with the national law of the Member State of registration.	(e) the information cannot be disclosed in the case that the requested information would reveal the identity of a person protected in accordance with the national law of the Member State of registration.
	Article 1, first paragraph, point (4), amending provision, numbered paragraph (4), second subparagraph			
115	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.	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.	Moved to L113	Move accepted
	Article 1, first paragraph, point (4), amending provision, numbered paragraph (5), first subparagraph			
116	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.	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.	deleted Moved to a new Article 4-a1 / L122j	Move accepted

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
<i>Article 1, first paragraph, point (4), amending provision, numbered paragraph (5), second subparagraph</i>				
117	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.	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.	deleted Moved to a new Article 4-a1 / L122k	Move accepted
<i>Article 1, first paragraph, point (4), amending provision, numbered paragraph (5), third subparagraph</i>				
118	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.	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.	deleted Moved to a new Article 4-a1 / L122o	Move accepted
<i>Article 1, first paragraph, point (4), amending provision, numbered paragraph (6)</i>				
119	6. The Commission shall adopt implementing acts to establish the procedures and technical specifications, including cybersecurity measures for the automated searches conducted	6. The Commission shall adopt implementing acts to establish the procedures and technical specifications, including cybersecurity measures for the automated searches conducted	deleted Moved to a new Article 4-a1 / L1221 and L122v	Move accepted

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	under this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).	under this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).		
<i>Article 1, first paragraph, point (4), amending provision, numbered paragraph (7)</i>				
120	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.	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 ^{*1} , applied jointly with the Annex to this Directive. <u>1. 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).</u>	deleted Moved to a new Article 4-a1 / L122w	Move accepted
<i>Article 1, first paragraph, point (4), amending provision, numbered paragraph (8), first subparagraph</i>				
121	8. Each Member State shall bear its own costs arising from the administration, use and	8. Each Member State shall bear its own costs arising from the administration, use and	deleted	Move accepted

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	maintenance of the software application and its amended versions referred to in paragraph 5.	maintenance of the software application and its amended versions referred to in paragraph 5.	Moved to a new Article 4-a1 / L122x	
Article 1, first paragraph, point (4), amending provision, numbered paragraph (8), second subparagraph a				
122a			8a. The national contact point of the Member State of registration shall ensure that no other personal data elements are shared than those related to the committed offence.	8a. The national contact point of the Member State of registration shall ensure that no other personal data elements are shared than those related to the committed offence.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (8), fourth subparagraph				
122b			8b. The Member State of the offence shall ensure that only its competent authorities have access to the vehicle registration data exchange, via its national contact points.	8b. The Member State of the offence shall ensure that only its competent authorities have access to the vehicle registration data exchange, via its national contact points.
Article 1, first paragraph, point (4), amending provision, numbered paragraph (8), fifth subparagraph				
122c			8c. For the mutual assistance in accordance with Articles 4a, 5a1 or 8b, the competent authorities of the Member States shall ensure that every request for	8c. For the mutual assistance in accordance with Articles 4a, 5a1 or 8b, the competent authorities of the Member States shall ensure that every request for mutual assistance

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			<p>mutual assistance includes the name of the competent authority making the request, the username of the person handling the request and the case number of the request.</p> <p>EP has similar text in L153a</p>	includes the name of the competent authority making the request, the username of the person handling the request and the case number of the request.
Article 1, first paragraph, point (4a)				
122d			(4a) the following Article is inserted:	(4a) the following Article is inserted:
Article 1, first paragraph, point (4a), amending provision, article				
122e			<p>Article 4-a</p> <p>National Vehicle Registers</p>	<p>Article 4-a</p> <p>National Vehicle Registers</p>
Article 1, first paragraph, point (4a), amending provision, article(1)				
122f			<p>1. Member States shall ensure that the data elements listed in Section 2, Parts I, II and IV of the Annex, when available in their national vehicle registers are up-to-date.</p> <p>Moved from Article 4 / L109</p>	1. Member States shall ensure that the data elements listed in Section 2, Parts I, II and IV of the Annex, when available in their national vehicle registers are up-to-date.

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Article 1, first paragraph, point (4a), amending provision, article(2)				
Y	122g		<p>2. Member States shall, for the purposes of this Directive, retain the data elements referred to in Section 2, Part IV and V of the Annex, when available, in the national vehicle registry for at least 12 months after any modification of the owner, holder or end-user of the vehicle in question.</p> <p>Moved from Article 4 / L110</p>	<p>2. Member States shall, for the purposes of this Directive, retain the data elements referred to in Section 2, Part IV and V of the Annex, when available, in the national vehicle registry for at least 12 months after any modification of the owner, holder or end-user of the vehicle in question.</p> <p>EP amendment related to not keeping the data for more than 4 years needs to be checked.</p>
Article 1, first paragraph, point (4b)				
G	122h		<p>(4b) the following Article is inserted:</p>	<p>(4b) the following Article is inserted:</p>
Article 1, first paragraph, point (4b), amending provision, article				
G	122i		<p>Article 4-a1</p> <p>Technical specifications for the exchange of vehicle registration data and mutual assistance</p>	<p>Article 4-a1</p> <p>Technical specifications for the exchange of vehicle registration data and mutual assistance</p>
Article 1, first paragraph, point (4b), amending provision, article(1), first subparagraph				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
122j			<p>1. Member States shall use a specifically designed and highly secured software application of the European Vehicle and Driving Licence Information System (Eucaris), and amended versions of this software to exchange the information or process the mutual assistance, in accordance with Article 3a(1).</p> <p>Moved from Article 4 / L116</p>	<p>1. Member States shall use a specifically designed and highly secured software application of the European Vehicle and Driving Licence Information System (Eucaris), and amended versions of this software to exchange the information or process the mutual assistance, in accordance with Article 3a(1).</p>
Article 1, first paragraph, point (4b), amending provision, article(1), second subparagraph				
122k			<p>Member States shall ensure that the processing of data in accordance with paragraph 1 is secure, cost-efficient, expeditious and reliable, and carried out by interoperable means within a decentralized structure.</p> <p>Moved from Article 4 / L117</p>	<p>Member States shall ensure that the processing of data in accordance with paragraph 1 is secure, cost-efficient, expeditious and reliable, and carried out by interoperable means within a decentralized structure.</p>
Article 1, first paragraph, point (4b), amending provision, article(2), first subparagraph				
122l			<p>2. The Commission shall adopt at the latest one year after the entry into force of this Directive, implementing acts to establish</p>	<p>2. The Commission shall adopt at the latest one year after the entry into force of this Directive, implementing acts to establish the</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			<p>the procedures, content and technical software specifications, including cybersecurity measures for the electronically structured requests and responses for:</p> <p>Moved from Article 4 / L119</p>	<p>procedures, content and technical software specifications, including cybersecurity measures for the electronically structured requests and responses for:</p>
	Article 1, first paragraph, point (4b), amending provision, article(2), first subparagraph, point (a)			
Y	122m		<p>(a) the request and the information provided in response to the request to exchange the information in accordance with Article 3a(1)(a) and</p>	<p>(a) the request and the information provided in response to the request to exchange the information in accordance with Article 3a(1)(a) and</p>
	Article 1, first paragraph, point (4b), amending provision, article(2), first subparagraph, point (b)			
Y	122n		<p>(b) the means of transmission of the information for the processing of the mutual assistance, in accordance with Article 3a(1)(a), (b) and (c) and Article 8b.</p>	<p>(b) the means of transmission of the information for the processing of the mutual assistance, <u>including uniform templates</u>, in accordance with Article 3a(1)(a), (b) and (c) and Article 8b.</p> <p>...including uniform templates.. has been inserted, and L150 would be deleted</p>
	Article 1, first paragraph, point (4b), amending provision, article(2), second subparagraph			
Y	122o			

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			<p>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.</p> <p>Moved from Article 4 / L118</p>	<p>To be checked if it should not be 'online synchronous and asynchronous exchange mode'</p>
Article 1, first paragraph, point (4b), amending provision, article(2), third subparagraph				
122p			<p>In establishing the implementing acts, the Commission shall take into account the following elements:</p>	
Article 1, first paragraph, point (4b), amending provision, article(2), third subparagraph, point (a)				
122q			<p>(i) the competent authorities shall have the possibility to identify direct and indirect access when the request does not come from a known member of the platform;</p>	
Article 1, first paragraph, point (4b), amending provision, article(2), second subparagraph, point (a)				
122r			<p>(ii) the Member State of registration shall have the possibility to ask the details of</p>	<p>(ii) the Member State of registration shall have the possibility to ask the details of the</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			the offence prior to the transmission of the registration data to the Member State of the offence, and to grant the possibility to refuse the transmission of registration data if the first demand for details is not answered by that Member State within one week;	offence prior to the transmission of the registration data to the Member State of the offence, and to grant the possibility to refuse the transmission of registration data if the first demand for details is not answered by that Member State within one week;
Article 1, first paragraph, point (4b), amending provision, article(2), third subparagraph, point (c)				
122s			(iii) the competent authorities shall have the possibility to consult the requests in order to guarantee that they are duly justified and comply with the requirements of this Directive;	
Article 1, first paragraph, point (4b), amending provision, article(2), third subparagraph, point (d)				
122t			(iv) a journal of consultations leading to automatic alerts to the members in case of anormal consultation peaks and	
Article 1, first paragraph, point (4b), amending provision, article(2), third subparagraph, point (e)				
122u			(v) establish processes to enable Member States to take appropriate measures in	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			response to these alerts and to abnormal requests, in order to mitigate the risks for the data, as well as to organize the cooperation between Member States on risk monitoring, management and mitigation, in particular for not sending data in response to abnormal requests as a derogation to article 4 paragraph 1.	
Article 1, first paragraph, point (4b), amending provision, article(3)				
G 122v			Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2). Moved from Article 4 / L119	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).
Article 1, first paragraph, point (4b), amending provision, article(4)				
G 122w			3. Until the implementing acts referred to in paragraph 2 of this Article have become applicable, the searches referred to in Article 3a(1)(a) shall be conducted in compliance with the procedures described in Chapter 3, points 2 and 3, of the Annex to Decision 2008/616/JHA ¹ , applied	3. Until the implementing acts referred to in paragraph 2 of this Article have become applicable, the searches referred to in Article 3a(1)(a) shall be conducted in compliance with the procedures described in Chapter 3, points 2 and 3, of the Annex to Decision 2008/616/JHA ¹ , applied jointly

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			<p>jointly with the Annex to this Directive.</p> <p>1. 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).</p> <p>Moved from Article 4 / L120</p>	<p>with the Annex to this Directive.</p> <p>1. 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).</p>
Article 1, first paragraph, point (4b), amending provision, article(5)				
122x			<p>4. Each Member State shall bear its own costs arising from the administration, use, maintenance and updates of the software application and its amended versions.</p> <p>Moved from Article 4 / L121</p>	<p>4. Each Member State shall bear its own costs arising from the administration, use, maintenance and updates of the software application and its amended versions.</p>
Article 1, first paragraph, point (5)				
123	(5) the following Articles 4a, 4b and 4c are inserted:	(5) the following Articles 4a, 4b and 4c are inserted:	(5) the following Articles 4a, 4b and 4c are inserted:	(5) the following Articles are inserted:
Article 1, first paragraph, point (5), amending provision, Article				
124	,	Article 4a	Article 4a	Article 4a

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 4a	Article 4a <u>Mutual assistance in identifying the liable person</u>	Article 4a Mutual assistance in identifying the concerned person	Mutual assistance in identifying the concerned person Subject to the decision on the use of the term 'concerned person'
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)				
126	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).	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).	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 competent authorities 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), after exhausting all other means available to them, in particular once they have:	1. Member States shall provide mutual assistance to each other where the competent authorities of the Member State of the offence, after exhausting all other means available to them, in particular once they have:
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), point (a)				
126a			(a) conducted a automated search in accordance with Article 4(1) and	(a) conducted a automated search in accordance with Article 4(1) and
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), point (b)				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
126b			(b) consulted other databases explicitly allowed to in accordance with Union and national legislation,	(b) consulted other databases explicitly allowed to in accordance with Union and national legislation,
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), point (c)				
126c			and still cannot identify the concerned 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).	and still cannot identify the concerned 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).
Article 1, first paragraph, point (5), amending provision, numbered paragraph (1), point (d)				
126d			1a. Member States shall apply mutual assistance under this Article, however, if after the assessment of the circumstances of individual cases the conditions laid down in Article 6 of Directive 2014/41/EU are fulfilled, the Member States bound by Directive 2014/41/EU may only apply Directive 2014/41/EU between them.	1a. Member States shall apply mutual assistance under this Article, however, if after the assessment of the circumstances of individual cases the conditions laid down in Article 6 of Directive 2014/41/EU are fulfilled, the Member States bound by Directive 2014/41/EU may only apply Directive 2014/41/EU between them.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2)				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
127	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.	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 competent in the case concerned, in accordance with the national law of that Member State.	2. The competent authority of the Member State of the offence shall decide whether to request mutual assistance to obtain additional information referred to in paragraph 3, second subparagraph. The request may be issued initiated only by an administrative or judicial competent authority, or by the police authority in accordance with the national law of that Member State. The competent in the case concerned, in accordance with the national law of that authority of the Member State of the offence shall use the data obtained in order to establish who is the personally liable for the road traffic offences listed in Article 2(1) of this Directive, which were committed on the territory of the Member State of the offence.	2. The competent authority of the Member State of the offence shall decide whether to request mutual assistance to obtain additional information referred to in paragraph 3, second subparagraph. The request may be initiated only by a competent authority, in accordance with the national law of that Member State. The competent authority of the Member State of the offence shall use the data obtained in order to establish who is the personally liable for the road traffic offences listed in Article 2(1) of this Directive, which were committed on the territory of the Member State of the offence.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3), first subparagraph				
128	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	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	3. When the competent authority of the Member State of the offence has decided to request mutual assistance in accordance with paragraph 1, it shall via its	3. When the competent authority of the Member State of the offence has decided to request mutual assistance in accordance with paragraph 1, it shall via its national

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	electronically structured and signed request to the national contact point of the Member State of registration or Member State of residence.	electronically structured and signed request to the national contact point of the Member State of registration or Member State of residence.	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.	contact point send an electronically structured request to the national contact point of the Member State of registration or Member State of residence.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3), second subparagraph				
G 129	The Member State of registration or Member State of residence may be requested:	The Member State of registration or Member State of residence may be requested:	The competent authority of the Member State of registration or Member State of residence may be requested:	The competent authority of the Member State of registration or Member State of residence may be requested:
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3), second subparagraph, point (a)				
Y 130	(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);	(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);	(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);	EP is still checking
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3), second subparagraph, point (b)				
G 131				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	(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.	(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 <u>and contact information</u> of the liable person, in accordance with its national law.	(b) to ask the owner, holder or end user of the vehicle, or any person presumed to be liable for one to provide information on the identity and address 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 liable person, in accordance with its national procedures applicable as if the investigative measure concerned had been ordered by its own authorities.	(b) to ask the owner, holder or end user of the vehicle to provide information on the identity, <u>address and, where available, other contact information</u> and address of the liable person, in accordance with its national procedures applicable as if the investigative measure concerned had been ordered by its own authorities. '... , and where available, other contact information ...' has been added at the request of the EP, as to allow for future options to send the traffic offence notice by electronic means. This is an optional list, where the competent authority will decide how to send the information to the concerned person. It was agreed to invert the order of L130 and L131a, so L131a would come first.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (3), second subparagraph, point (ba)				
131a			(ba) to establish the identity and address of the concerned person, in accordance with its national law, including by using other	(ba) to establish the identity and address of the concerned person, in accordance with its national law, including by using other national

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			national databases such as driving licence registers or population registers.	databases such as driving licence registers or population registers. It was agreed to invert the order of L130 and L131a, so L131a would come first.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4), first subparagraph				
132	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.	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 <u>within a period not exceeding 30 working days</u> via its national contact point to the national contact point of the Member State of the offence.	4. Where the competent authority of 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.	4. Where the competent authority <u>Unless it decides to invoke one of the Member State of registration or grounds for refusal listed in paragraph 7 or it is not possible to gather the requested information, the competent authorities of</u> the Member State of <u>registration or</u> residence receives a request <u>shall gather the requested information</u> referred to in paragraph 3, it shall gather the requested information, unless it decides to invoke one <u>without any undue delay. Without any undue delay and no later than 2 months from the day that the competent authority of the grounds for refusal listed in paragraph 7 or it is not possible to gather the requested information. Member State of registration or residence has established the necessary information to respond to the</u>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
				<u>request, it shall answer the request electronically via its national contact point.</u>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4), second subparagraph				
133	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.	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.	deleted	Deletion accepted
Article 1, first paragraph, point (5), amending provision, numbered paragraph (4), third subparagraph				
134	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.	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.	The competent authority of the Member State of registration and the Member State of residence shall comply with the formalities and procedures expressly requested by the competent authority of the Member State of the offence, when gathering the additional information, to the extent that they are not incompatible with their national legislation.	The competent authority of the Member State of registration and the Member State of residence shall comply with the formalities and procedures expressly requested by the competent authority of the Member State of the offence, when gathering the additional information, to the extent that they are not incompatible with their national legislation.

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (5), amending provision, numbered paragraph (5), first subparagraph			
135	5. Member States shall ensure that they provide the requested information without any undue delay from the receipt of the request.	5. Member States shall ensure that they provide the requested information without any undue delay from the receipt of the request, <u>within a period not exceeding 30 working days. Where it is not possible to gather the information, within a period not exceeding 30 working days 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 and may not exceed 20 working days from the date of the notification of those reasons, with an adequate explanation of the reasons for the delay.</u>	5. The competent authority of the Member State of registration or the Member State of residence shall ensure that they provide it provides the requested information without any undue delay from the receipt of the request. The requested information shall be transmitted electronically via the national contact points of the Member State.	included in L132
	Article 1, first paragraph, point (5), amending provision, numbered paragraph (5), second subparagraph			
136	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	deleted Integrated in the previous paragraph / L135	Where it is not possible to gather the information without undue delay from the receipt of the request, the national contact points, the competent authority of the	Where it is not possible to gather the information, the competent authority of the Member State of registration or the Member State of residence shall inform the

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.		Member State of registration or the Member State of residence shall transmit that information to inform the competent authority of the Member State of the offence as soon as possible, with an adequate explanation of the reasons for the delay via its national contact point as soon as possible.	competent authority of the Member State of the offence via its national contact point as soon as possible.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (5), third subparagraph				
137	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.	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.	<i>deleted</i>	<i>integrated in L132</i>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (6)				
138	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	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	<i>deleted</i>	<i>Deletion accepted</i>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	rights of presumed liable persons.	rights of presumed liable persons.		
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), first subparagraph</i>				
139	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:	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:	7. The competent authority of the Member StatesState of registration or the Member State of residence may refuse to provide the additional information requested in accordance with paragraph 3. They shall do so only in the following cases:	7. The competent authority of the Member State of registration or the Member State of residence may refuse to provide the additional information requested in accordance with paragraph 3. They shall do so only in the following cases:
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), first subparagraph, point (a)</i>				
140	(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;	(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;	(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;	(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;
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), first subparagraph, point (b)</i>				
141	(b) providing the requested information would be contrary to the principle of <i>ne bis in idem</i> ;	(b) providing the requested information would be contrary to the principle of <i>ne bis in idem</i> ;	(b) providing the requested information would be contrary to the principle of <i>ne bis in idem</i> or would jeopardise an ongoing investigation of a criminal offence <i>ne bis in idem</i> ;	(b) providing the requested information would be contrary to the principle of <i>ne bis in idem</i> or would jeopardise an ongoing investigation of a criminal offence;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), first subparagraph, point (c)				
142	(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;	(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;	(c) providing the requested information would be contrary to or would harm the essential interests of the national security interests of the requested Member State , jeopardise the source of the information or involve the use of classified information relating to specific intelligence activities;	(c) providing the requested information would be contrary to or would harm the essential interests of the national security of the requested Member State, jeopardise the source of the information or involve the use of classified information relating to specific intelligence activities;
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), first subparagraph, point (d)				
143	(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;	(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;	(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;	(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;
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), first subparagraph, point (e)				
144	(e) providing the requested information would reveal the identity of a person protected in	(e) providing the requested information would reveal the identity of a person protected in	(e) providing the requested information would jeopardise the safety of an individual or reveal	(e) providing the requested information would jeopardise the safety of an individual or reveal the

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	accordance with the national law of the Member State of registration or the Member State of residence;	accordance with the national law of the Member State of registration or the Member State of residence;	the identity of a person protected in accordance with the national law of the Member State of registration or the Member State of residence;	identity of a person protected in accordance with the national law of the Member State of registration or the Member State of residence.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), first subparagraph, point (f)				
145	(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.	(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.	<i>deleted</i>	<i>Deletion accepted</i>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (7), second subparagraph				
146	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	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	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. When the competent authority of the Member State of registration or Member States which decide State of residence	When the competent authority of the Member State of registration or Member State of residence decides to apply a ground for refusal, <u>or establishes that it is not possible to gather the requested information,</u> it shall inform the Member State of the offence thereof via its national

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	contact point, without any undue delay.	contact point, without any undue delay <u>no later than 15 working days after a decision to refuse the request. Requested Member States shall as a minimum indicate which specific ground for refusal they have decided to apply.</u>	decides to apply a ground for refusal, it shall inform the Member State of the offence thereof via its national contact point, without any undue delay. The competent authority of the Member State of registration or Member State of residence may decide not to specify which ground of refusal it applies in the cases referred to in points (b), (c) and (e).	contact point, without any undue delay <u>no later than 2 months from the has established the necessary information to respond to the request day.</u> The competent authority of the Member State of registration or Member State of residence may decide not to specify which ground of refusal it applies in the cases referred to in points (b), (c) and (e).
Article 1, first paragraph, point (5), amending provision, numbered paragraph (8)				
147	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).	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).	<i>deleted</i>	<i>Deletion accepted</i>
Article 1, first paragraph, point (5), amending provision, numbered paragraph (9)				
148	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.	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.	<i>deleted</i> <i>Similar provision is already covered under Article 3a / L100</i>	<i>Deletion accepted</i>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (10), first subparagraph</i>			
149	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).	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).	deleted	Deletion accepted
	<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (10), second subparagraph</i>			
150	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).	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). <u>In addition, and with a view to reducing the administrative burden and to simplifying the procedure, the Commission may introduce uniform templates, which may also include codes once these are deemed to be sufficiently well-developed, provided that the content and format of the request and response remain sufficiently clear for the addressees and authorities to clearly and easily</u>	deleted	Deletion accepted. The issue of the templates would be included in the implementing powers in line 1221

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<u>understand them. If the Commission chooses to do so, the Commission is empowered to adopt delegated acts in accordance with Article 10 in order to introduce these templates and codes.</u>		
<i>Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), first subparagraph</i>				
151	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.	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.	11. The Commission shall adopt implementing acts to further specify the content of the standard electronic form for the electronically structured 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. include the following information: <u>The implementing power is already covered under Article</u>	11. The electronically structured request shall include the following information:

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			4-a1 / L1221 and following	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), second subparagraph				
152	The standard electronic form for the request shall include the following information:	The standard electronic form for the request shall include the following information:	deleted	Deletion accepted, as the content of this line is integrated in previous line, L151
Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), second subparagraph, point (a)				
153	(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;	(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;	deleted	Deletion accepted. Cf L138 and L145, where the validation has also been deleted
Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), second subparagraph, point (aa)				
153a		<u>(aa) name of the competent authority which is making the request and why;</u> Council has similar text in L122c		Accepted text in L122c
Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), second subparagraph, point (ab)				
153b		<u>(ab) offence or offences listed in</u>		Accepted text in L155a

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<u>Article 2(1) which the request relates to;</u>		
Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), second subparagraph, point (b)				
154	(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);	(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);	(b) data elements relating to the owners, holders or end users of the vehicles concerned person obtained as a result of the automated search conducted in accordance with Article 4(1);	(b) data elements relating to the concerned person obtained as a result of the automated search conducted in accordance with Article 4(1);
Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), second subparagraph, point (c)				
155	(c) if available, the visual recording of the liable person retrieved from detection equipment, in particular speed cameras.	(c) if available, the visual recording of the liable person retrieved from detection equipment, in particular speed cameras.	(c) if available, the visual recording of the liable person driver retrieved from detection equipment, in particular speed cameras;	(c) if available, the visual recording of the driver retrieved from detection equipment, in particular speed cameras;
Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), second subparagraph, point (ca)				
155a			(d) data relating to the road-safety-related traffic offence, listed in Article 2(1);	(d) data relating to the road-safety-related traffic offence, listed in Article 2(1);
Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), second subparagraph, point (cb)				
155b			(e) data relating to the involved vehicle;	(e) data relating to the involved vehicle;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), second subparagraph, point (cc)			
155c			(f) a reason for the request of mutual assistance.	(f) a reason for the request of mutual assistance.
	Article 1, first paragraph, point (5), amending provision, numbered paragraph (11), third subparagraph			
156	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).	Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).	deleted The implementing power is already covered under Article 4-a1, L122v	Deletion accepted
	Article 1, first paragraph, point (5), amending provision, Article			
157	Article 4b	Article 4b <u>National measures facilitating the identification of the liable person</u>	Article 4b Article 4b National measures facilitating the identification of the liable person	Article 4b National measures facilitating the identification of the liable person
	Article 1, first paragraph, point (5), amending provision, numbered paragraph (1)			
159	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	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	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	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

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	identify the liable concerned person, such as measures related to the obligation of the holder, owner or end user to cooperate in the identification of the liable person, provided that fundamental and procedural rights under Union and national law are respected.	identify the concerned liable person, such as measures related to the obligation of the holder, owner or end user to cooperate in the identification of the liable person, provided that fundamental and procedural rights under Union and national law are respected. The GA text referring to 'concerned' has been corrected to 'liable', as this is about the identification of the liable person.
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2)				
160	2. In accordance with paragraph 1, Member States may, in particular:	2. In accordance with paragraph 1, Member States may, in particular:	2. In accordance with paragraph 1, Member States the competent authorities may, in particular:	2. In accordance with paragraph 1, the competent authorities may, in particular:
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), point (a)				
161	(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;	(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;	(a) serve documents to persons presumed to be liable of committing the concerned persons in relation to road-safety-related traffic offences listed in Article 2(1), including documents asking these the concerned persons to confirm their liability for the road-safety-related traffic	(a) serve documents to concerned persons in relation to road-safety-related traffic offences listed in Article 2(1), including documents asking the concerned persons to confirm their liability for the road-safety-related traffic offences;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			offences;	
Article 1, first paragraph, point (5), amending provision, numbered paragraph (2), point (b)				
162	(b) apply obligations placed on presumed liable persons which are relevant to the identification of the liable person, to the furthest possible extent.	(b) apply obligations placed on presumed liable persons which are relevant to the identification of the liable person, to the furthest possible extent.	(b) apply obligations, including related sanctions , placed on presumed liable concerned persons which are relevant to the identification of the liable person, to the furthest possible extent.	(b) apply obligations, including related sanctions, placed on concerned persons which are relevant to the identification of the liable person, to the furthest possible extent.
Article 1, first paragraph, point (5), amending provision, Article				
163	Article 4c	Article 4c <u>Article 4c</u> <u>Use of other databases</u>	deleted Covered under Article 4a	Deletion accepted. The provisions are integrated under Article 4a
Article 1, first paragraph, point (5), amending provision, Article, second paragraph				
165	‘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.’	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. <u>The exchange or</u>	deleted Mentioned in Article 4a (1) (b), L126b and L131a	Deletion accepted

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<u>access of data shall be facilitated by automated and electronic means.</u>		
Article 1, first paragraph, point (6)				
G 167	(6) Article 5 is replaced by the following:	(6) Article 5 is replaced by the following:	(6) Article 5 is replaced by the following:	(6) Article 5 is replaced by the following:
Article 1, first paragraph, point (6), amending provision, Article				
G 168	Article 5	<p><u>Article 5</u></p> <p>Article 5</p> <p><u>Information letter on the road-safety-related traffic offences</u></p>	<p>Article 5</p> <p>Article 5 Traffic offence notice on the road-safety-related traffic offences</p>	<p>Article 5</p> <p>Traffic offence notice on the road-safety-related traffic offences</p>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), first subparagraph				
G 170	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).	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).	1. The competent authority of 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).	1. The competent authority of 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).
Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), second subparagraph				
R 171				R

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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, <u>whilst respecting the time limit set out in Article 5a, paragraph 2.</u>	Where the competent authority of the Member State of the offence decides to initiate such proceedings, that Member State competent authority shall promptly inform the presumed liable concerned person about the road-safety-related traffic offence and, where appropriate , of the decision to initiate follow-up proceedings by an information letter traffic offence notice .	Where the competent authority of the Member State of the offence decides to initiate such proceedings, that competent authority shall inform the concerned person about the road-safety-related traffic offence and, where appropriate, of the decision to initiate follow-up proceedings by a traffic offence notice.
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (1), third subparagraph			
Y	172 The information letter may serve other purposes than those set out in the second subparagraph.	The information letter may serve other purposes than those set out in the second subparagraph.	The information letter traffic offence notice may serve other purposes than those set out in the second subparagraph, needed for enforcement, such as a request for the disclosure of the identity and address of the liable person, an inquiry whether the concerned person admits or denies the commission of the offence or a request for payment.	The traffic offence notice may serve other purposes than those set out in the second subparagraph, needed for enforcement, such as a request for the disclosure of the identity and address of the liable person, an inquiry whether the concerned person admits or denies the commission of the offence or a request for payment.
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (2)			
G	173 2. The information letter shall contain at least:	2. The information letter shall contain at least:	2. The information letter traffic offence notice shall contain at least:	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (a)			
174	(a) the indication that the letter is issued for the purposes of this Directive;	(a) the indication that the letter is issued for the purposes of this Directive;	(a) the indication that the letter traffic offence notice is issued for the purposes of this Directive;	
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (b)			
175	(b) the name, postal address, telephone number and e-mail address of the competent authority;	(b) the name, postal address, telephone number and e-mail address of the competent authority;	(b) the name, postal address, telephone number and e-mail address of the competent authority of the Member State of the offence;	(b) the name, postal address, telephone number and e-mail address of the competent authority of the Member State of the offence;
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (c)			
176	(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;	(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;	(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;	(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;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (d)			
177	(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;	(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;	(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;	(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;
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (e)			
178	(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;	(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;	(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;	(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;
	Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (f)			

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Y	179	(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;	(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 measures taken to identify the concerned person in accordance with Article 4b and the consequences of non-cooperation;	(f) where applicable, information on measures taken to identify the concerned person in accordance with Article 4b and the consequences of non-cooperation;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (g)				
G	180	(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;	(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;	(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 <u>viable</u> alternative <u>and accessible</u> payment methods, in particular specific software applications, as long as those methods are accessible to both residents and non-residents;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (h)				
Y	181			

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	(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;	(h) <u>clear and comprehensive</u> information on the applicable data protection rules, the rights of the data subjects and the availability of further information or <u>and</u> 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;	(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; and	EDPS suggested to change the 'or' into 'and'. Commission will propose a solution.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (i)				
182	(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;	(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;	(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;	(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.
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (j)				
183	(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	(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	<i>deleted</i> <i>Council deleted Article 5b</i>	<i>Council proposes to delete, as the entity would not be authorised to send the traffic offence notice.</i>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 5b and a clean delineation between the amounts of monies claimed, based on their legal ground.	Article 5b and a clean delineation between the amounts of monies claimed, based on their legal ground.;		
Article 1, first paragraph, point (6), amending provision, numbered paragraph (2), point (ja)				
183a		<u>(ja) a link and, if possible, a OR code to the portal referred to in Article 8.</u>		<u>(ja) a link and, if possible, a OR code to the portal referred to in Article 8.</u>
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3)				
184	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).	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), <u>(g) and (i)</u> and (g) .	3. By way of derogation from paragraph 2, Member States The competent authority of the Member State of the offence 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 and where the competent authority has not enforced the sanction related to the committed offence on the spot, that the non-resident driver receives the traffic offence notice referred to, the information letter contains at least the data listed in paragraph 2. This traffic offence notice shall be sent to the non-resident driver, as defined in the law of the Member State of the	3. The competent authority of the Member State of the offence shall ensure that in the case where a a non-resident driver who was checked on the spot in a road control and where the competent authority has not enforced the sanction related to the committed offence on the spot, that the non-resident driver receives the traffic offence notice referred to in paragraph 2. This traffic offence notice shall be sent to the non-resident driver, as defined in the law of the Member State of the offence, after the date of the offence <u>in accordance with art.5a (2).</u>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			offence, after the date of the offence, points (c), (d), (e) and (g).	while previously greenlighted, this needs to be redrafted
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3a), first subparagraph				
184a		<u>3a. Member States shall ensure that in cases where the liable person is a non-resident driver who was checked on the spot in the course of a road control and where the enforcement of the committed offence was finalised by the competent authority by the imposition of the financial penalty paid by the liable person on the spot, this person shall receive at least the following information:</u>	3a. The competent authority of the Member State of the offence shall ensure that in the case where a non-resident driver was checked on the spot in a road control and where the competent authority has enforced the sanction related to the committed offence on the spot, that the non-resident driver receives at least the following information:	3a. The competent authority of the Member State of the offence shall ensure that in the case where a non-resident driver was checked on the spot in a road control and where the competent authority has enforced the sanction related to the committed offence on the spot, that the non-resident driver receives at least the following information:
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3a), first subparagraph, point (a)				
184b		<u>(a) a receipt for the financial transaction;</u>	(a) receipt of the financial transaction or a financial penalty charge notice to be paid within a specific period of time;	(a) receipt of the financial transaction or a financial penalty charge notice to be paid within a specific period of time;
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3a), first subparagraph, point (b)				
184c		<u>(b) the contact information of the competent authority;</u>	(b) contact information of the competent authority;	(b) contact information of the competent authority;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3a), first subparagraph, point (c)					
G	184d	<u>(c) information on the offences committed and, if relevant, how to ensure compliance in future;</u>	(c) information on the offences committed.	(c) information on the offences committed- <u>and, if relevant, how to ensure compliance in future;</u>	G
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3a), first subparagraph, point (d)					
G	184e	<u>(d) a link and, if possible, a OR code to the portal referred to in Article 8.</u>		<u>(d) a link and, if possible, a OR code to the portal referred to in Article 8.</u>	G
Article 1, first paragraph, point (6), amending provision, numbered paragraph (3a), second subparagraph					
G	184f		This information shall be provided in one of the official languages of the Member State of the offence or any other official EU language deemed appropriate by the competent authority.	This information shall be provided in one of the official languages of the Member State of the offence or any other official EU language deemed appropriate by the competent authority.	G
Article 1, first paragraph, point (6), amending provision, numbered paragraph (4)					
Y	185	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-	4. Upon request of concerned persons, and as set out by the national law, the competent authority of the presumed liable persons , the Member State of the offence shall ensure that access is granted to all material information	Council to provide more information on: - deletion of 'material' - meaning of last sentence	Y

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	related offence listed in Article 2(1).	related offence listed in Article 2(1).	in the possession of the authorities competent for authority of the Member State of the offence related to the investigation of a road-safety-related offence listed in Article 2(1). The Member State of the offence may consider requesting such information as availing legal remedy against the imposed sanction, in which case they shall inform the concerned person in a clear and concise way about this fact in the traffic offence notice.	
Article 1, first paragraph, point (6), amending provision, numbered paragraph (5)				
186	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.	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), <u>are proportionate to ensure the effective exercise of such rights and</u> correspond to the date of the receipt of the information letter.	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 postal or electronic dispatch or receipt of the information letter postal or electronic dispatch or receipt of the traffic offence notice or the official decision on the liability of the concerned person.	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), <u>are proportionate to ensure the effective exercise of such rights and</u> correspond to the date of postal or electronic dispatch or receipt of the traffic offence notice or the official decision on the liability of the concerned person.

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (7)			
187	(7) The following Articles 5a and 5b are inserted:	(7) The following Articles 5a and 5b are inserted:	(7) The following Articles 5a and 5b are inserted:	(7) The following Articles are inserted:
	Article 1, first paragraph, point (7), amending provision, Article			
188	Article 5a	Article 5a Article 5a <u>Service of the information letter and follow-up documents</u>	Article 5a Service of the traffic offence notice and follow-up documents	Article 5a Service of the traffic offence notice and follow-up documents
	Article 1, first paragraph, point (7), amending provision, numbered paragraph (1)			
190	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.	1. Member States shall send the information letter and the follow-up documents to the presumed liable persons by registered delivery, <u>registered mail</u> 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 ¹ *, or in the case referred to in Article 5(3) of this Regulation give the information letter directly to the presumed liable person. <u>1. Regulation (EU) 910/2014 of the European Parliament and of the Council</u>	1. The competent authority of the Member States State of the offence shall send the information letter traffic offence notice and the follow-up documents to the presumed liable concerned persons by post , 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.	1. The competent authority of the Member State of the offence shall send the traffic offence notice and the follow-up documents to the concerned persons by post, registered delivery, <u>registered mail</u> 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 ¹ . ¹ 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,

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<u>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).</u>	1. 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).	28.8.2014, p.73). Added 'registered mail' - the competent authority can choose how to service the traffic offence notice. See also L30, L213d and L213f
Article 1, first paragraph, point (7), amending provision, numbered paragraph (2), first subparagraph				
191	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.	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), <u>counting from the day of the incident,</u> 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.	2. The competent authority of the Member States of the offence shall ensure that the information letter is sent no later than one month from the registration of a road-safety-related traffic offence notice and any follow-up documents are sent as defined in the law of the Member State of the offence. Traffic offence listed in Article 2(1), or where more information letters need to be sent during the investigation, 15 days notices addressed to the holder, owner or end-user of a vehicle shall be issued no later than 12 months from the event that made sending the subsequent information letters necessary date of the commission of the traffic offence listed in Article 2(1).	2. The competent authority of the Member States <u>State</u> of the offence shall ensure that the traffic offence notice and any follow-up documents are sent as defined in the law of the Member State of the offence. The <u>traffic offence notices</u> notice addressed to the holder, owner or end-user of a <u>the</u> vehicle shall be issued no later than 12 <u>6</u> months from the date <u>after the traffic offence, in case the automated searches in Article 4(1) were successful and the competent authority has established the identity and address</u> of the commission <u>holder, owner or end-user</u> of the traffic offence listed <u>vehicle, to the necessary degree of certainty required by its national legislation.</u> <u>In case the automated searches</u> in

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
				Article 2(1) 4(1) were not successful or the competent authority was unable to establish the identity and address of the holder, owner or end-user of the vehicle to the necessary degree of certainty required by its national legislation, the traffic offence notice shall be issued no later than 3 months after the competent authority of the Member State of the offence has established this information.
	Article 1, first paragraph, point (7), amending provision, numbered paragraph (2), second subparagraph			
R	192 Member States shall ensure that any other follow-up documents are sent within 15 days from the event that made sending them necessary.	Member States shall ensure that any other follow-up documents are sent within 15 days from the event that made sending them necessary.	deleted Integrated in L 191	L 191 is sufficient
	Article 1, first paragraph, point (7), amending provision, numbered paragraph (3)			
G	193 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:	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:	deleted Moved to Article 5a1 / L213b	Deletion accepted

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (a)</i>				
194	(a) the address of the person for whom the document is intended is unknown, incomplete or uncertain;	(a) the address of the person for whom the document is intended is unknown, incomplete or uncertain;	deleted Moved to Article 5a1 / L213c	Deletion accepted
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (b)</i>				
195	(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;	(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, <u>registered mail</u> or by equivalent electronic means;	deleted Moved to Article 5a1 / L213d	Deletion accepted
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (c)</i>				
196	(c) it has not been possible to serve the document by registered delivery or by equivalent electronic means;	(c) it has not been possible to serve the document by registered delivery, <u>registered mail</u> or by equivalent electronic means;	deleted Moved to Article 5a1 / L213e	Deletion accepted
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (3), point (d)</i>				
197	(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	(d) the Member State of the offence has justified reasons for considering that the service of the document by registered delivery, <u>registered mail</u> or by equivalent	deleted Moved to Article 5a1 / L213f	Deletion accepted

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	that particular case will be ineffective or is inappropriate.	electronic means in that particular case will be ineffective or is inappropriate.		
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), first subparagraph</i>				
198	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.	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.	<div>deleted</div> <div>Integrated in the definition of 'competent authority', L93g</div>	
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (4), second subparagraph</i>				
199	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.	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.	<div>deleted</div> <div>Moved to Article 5a1 / L213g</div>	Deletion accepted
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (5)</i>				
200	5. Member States shall ensure that	5. Member States shall ensure that		

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	deleted Moved to Article 5a1 / L213h	Deletion accepted
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (6), first subparagraph</i>				
201	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:	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:	deleted Moved to Article 5a1 / L213i	Deletion accepted
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (6), first subparagraph, point (a)</i>				
202	(a) upon completion of the formalities concerning the service of the information letter or of the follow-up documents in accordance with paragraph 3,	(a) upon completion of the formalities concerning the service of the information letter or of the follow-up documents in accordance with paragraph 3,	deleted Amended in Article 5a1 / L213j	Deletion accepted
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (6), first subparagraph, point (b)</i>				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
203	(b) where the delivery is not successful.	(b) where the delivery is not successful.	deleted Moved to Article 5a1 / L213k	Deletion accepted
Article 1, first paragraph, point (7), amending provision, numbered paragraph (6), second subparagraph				
204	Where requested by the Member State of the offence, the certificate shall be accompanied by a copy of the documents served.	Where requested by the Member State of the offence, the certificate shall be accompanied by a copy of the documents served.	deleted	The certificate mentioned here has been deleted - cf L201
Article 1, first paragraph, point (7), amending provision, numbered paragraph (7)				
205	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.	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. <u>With a view to reducing the administrative burden and simplifying the procedure, the Commission may, for both</u>	deleted	Deletion accepted

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<u>documents referred to in the present paragraph, introduce uniform templates, which may also involve the use of codes once these are deemed to be sufficiently well-developed, provided that the content and format of the request and certificate remain sufficiently clear for the addressees and authorities to clearly and easily understand them. If the Commission chooses to do so, the Commission is empowered to adopt delegated acts in accordance with Article 10 in order to introduce these templates and codes.</u>	PUBLIC	
Article 1, first paragraph, point (7), amending provision, numbered paragraph (8), first subparagraph				
G 206	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.	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.	deleted Moved to Article 5a2 / L213n	Deletion accepted
Article 1, first paragraph, point (7), amending provision, numbered paragraph (8), second subparagraph				
Y 207				Y

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	<div>deleted</div> <div>Covered under Article 5a2 / L213s</div>	
Article 1, first paragraph, point (7), amending provision, numbered paragraph (8), third subparagraph				
208	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	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	<div>deleted</div> <div>Covered under Article 5a2 / L213s</div>	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	has indicated it would accept.	has indicated it would accept.		
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (8), fourth subparagraph</i>				
209	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.	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.	deleted	
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (9)</i>				
210	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	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	deleted Covered under Article 5a2 / L213s	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Union language that the person speaks or understands.	Union language that the person speaks or understands. <u>Member States are encouraged to permit persons who are presumed to be liable to connect remotely to court proceedings by video link.</u>		
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (10)</i>				
211	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.	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.	deleted <i>Moved to Article 5a2 / L213t</i>	<i>Move is accepted</i>
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (11)</i>				
212	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	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	deleted <i>Moved to Article 5a2 / L213u</i>	<i>Move is accepted</i>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article.	Article.		
<i>Article 1, first paragraph, point (7), amending provision, numbered paragraph (12)</i>				
213	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).	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).	deleted Covered under the implementing powers in Article 4, L1221	Deletion accepted
<i>Article 1, first paragraph, point (7), amending provision, Article</i>				
213a			Article 5a1 Mutual assistance in the service of the traffic offence notice and follow-up documents	Article 5a1 Mutual assistance in the service of the traffic offence notice and follow-up documents

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (7), amending provision, numbered paragraph (12a)			
213b			<p>1. The competent authority of the Member State of the offence may send the traffic offence notice or the follow-up documents to the concerned persons via the competent authorities of the Member State of registration or the Member State of residence, in the following cases:</p> <p>Moved from Article 5a / L193</p>	<p>1. The competent authority of the Member State of the offence may send the traffic offence notice or the follow-up documents to the concerned persons via the competent authorities of the Member State of registration or the Member State of residence, in the following cases:</p>
	Article 1, first paragraph, point (7), amending provision, numbered paragraph (12), point (a)			
213c			<p>(a) the address of the person for whom the document is intended is unknown, incomplete or uncertain;</p> <p>Moved from Article 5a / L194</p>	<p>(a) the address of the person for whom the document is intended is unknown, incomplete or uncertain;</p>
	Article 1, first paragraph, point (7), amending provision, numbered paragraph (12), point (b)			
213d			<p>(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 post, registered delivery or by</p>	<p>(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 post, registered delivery or by equivalent</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			equivalent electronic means; Moved from Article 5a / L195	electronic means;
Article 1, first paragraph, point (7), amending provision, numbered paragraph (12), point (c)				
213e			(c) it has not been possible to serve the document by post, registered delivery or by equivalent electronic means; Moved from Article 5a / L196	(c) it has not been possible to serve the document by post, registered delivery, <u>registered mail</u> or by equivalent electronic means; Added 'registered mail' - the competent authority can choose how to service the traffic offence notice. See also L30, L190 and L213f
Article 1, first paragraph, point (7), amending provision, numbered paragraph (12), point (d)				
213f			(d) the Member State of the offence has justified reasons for considering that the service of the document by post, registered delivery or by equivalent electronic means in that particular case will be ineffective or is inappropriate. Moved from Article 5a / L197	(d) the Member State of the offence has justified reasons for considering that the service of the document by post, registered delivery or by equivalent electronic means in that particular case will be ineffective or is inappropriate. Added 'registered mail' - the competent authority can choose how to service the traffic offence notice. See also L30, L190 and L213d
Article 1, first paragraph, point (7), amending provision, numbered paragraph (12), point (e)				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
213g			<p>The competent authorities of the Member State of the offence and of the Member State of the registration or the Member State of the residence shall communicate with each other via their respective national contact points.</p> <p>Moved from Article 5a / L199</p>	<p>The competent authorities of the Member State of the offence and of the Member State of the registration or the Member State of the residence shall communicate with each other via their respective national contact points.</p>
Article 1, first paragraph, point (7), amending provision, numbered paragraph (12), point (f)				
213h			<p>2. The Member State of registration or the Member state of residence shall ensure that the traffic offence notice and the follow-up documents that are to be served in accordance with paragraph 1 are served either in accordance with their national law, or when duly justified, by a particular method requested by the Member State of the offence, unless such method is incompatible with their national law.</p> <p>Moved from Article 5a / L200</p>	<p>2. The Member State of registration or the Member state of residence shall ensure that the traffic offence notice and the follow-up documents that are to be served in accordance with paragraph 1 are served either in accordance with their national law, or when duly justified, by a particular method requested by the Member State of the offence, unless such method is incompatible with their national law.</p>
Article 1, first paragraph, point (7), amending provision, numbered paragraph (12), point (g)				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
213i			3. The Member State of registration or the Member State of residence shall ensure that the competent authority provides an electronically structured response including: Moved from Article 5a / L201	3. The Member State of registration or the Member State of residence shall ensure that the competent authority provides an electronically structured response including:
Article 1, first paragraph, point (7), amending provision, numbered paragraph (12), point (h)				
213j			(a) where the delivery is successful, the date of service and data about the person receiving the document; Moved from Article 5a / L202	(a) where the delivery is successful, the date of service and data about the person receiving the document;
Article 1, first paragraph, point (7), amending provision, numbered paragraph (12), point (i)				
213k			(b) where the delivery is not successful, a reason for failing to deliver the traffic offence notice or follow up document shall be given. Moved from Article 5a / L203	(b) where the delivery is not successful, a reason for failing to deliver the traffic offence notice or follow up document shall be given.
Article 1, first paragraph, point (7), amending provision, numbered paragraph (12), point (j)				
213l			The response of a successful	The response of a successful

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			delivery shall be considered as a proof of service of the document.	delivery shall be considered as a proof of service of the document.
Article 1, first paragraph, point (7), amending provision, Article				
213m			Article 5a2 Translation of the traffic offence notice and essential follow-up documents	Article 5a2 Translation of the traffic offence notice and essential follow-up documents
Article 1, first paragraph, point (7), amending provision, Article(1), first subparagraph				
213n			1. Where the competent authority of the Member State of the offence decides to initiate follow-up proceedings in relation to the traffic offences listed in Article 2(1), it shall issue the traffic offence notice and any essential follow-up documents in the language of the registration document of the vehicle. Moved from Article 5a / L206	1. Where the competent authority of the Member State of the offence decides to initiate follow-up proceedings in relation to the traffic offences listed in Article 2(1), it shall issue the traffic offence notice and any essential follow-up documents in the language of the registration document of the vehicle.
Article 1, first paragraph, point (7), amending provision, Article(1), second subparagraph				
213o			For the purposes of this Article, follow up documents shall be considered essential if they are necessary for the concerned	For the purposes of this Article, follow up documents <u>the competent authorities</u> shall be considered essential if they are necessary for

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			<p>person to understand what he or she is accused of and to be able fully to exercise his or her rights of defence. Those elements include, in particular, the facts on which the notified decision is based, the offence committed, the penalty imposed, the legal remedies available against that decision, the time limit laid down for that purpose and the identification of the body before which the appeal must be lodged.</p>	<p>the concerned person to understand what he or she is accused of and to<u>decide whether a follow-up document is essential.</u> <u>However, the competent authorities shall keep into account that the concerned person needs to understand the accusations and</u> <u>has</u> be able <u>to</u> fully to exercise his or her rights<u>the right</u> of defence. Those elements include<u>This includes</u>, in particular, the facts on which the notified decision is based,<u>all relevant information concerning the offence, the nature of</u> the offence committed, the penalty imposed, the legal remedies available against that decision, the time limit laid down for that purpose and the identification of the body before which the appeal must be lodged.</p> <p>Redrafted, L213p has been integrated in L213o</p>
Article 1, first paragraph, point (7), amending provision, Article(1), third subparagraph				
213p			<p>2. The competent authorities shall, in any given case, decide whether a follow-up document is essential.</p>	<p>Line 213p is integrated in L213o</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Article 1, first paragraph, point (7), amending provision, Article(1), fourth subparagraph				
213q			3. The competent authorities shall, in any given case, decide whether any other document is essential.	3. The competent authorities shall, in any given case, decide whether any other document is essential.
Article 1, first paragraph, point (7), amending provision, Article(1), fifth subparagraph				
213r			4. There shall be no requirement to translate passages of essential documents which are not relevant for the purposes of enabling concerned persons to have knowledge of the case against them, in accordance with the second subparagraph of paragraph 1.	4. There shall be no requirement to translate passages of essential documents which are not relevant for the purposes of enabling concerned persons to have knowledge of the case against them, in accordance with the second subparagraph of paragraph 1.
Article 1, first paragraph, point (7), amending provision, Article(1), sixth subparagraph				
213s			5. The competent authority of the Member State of the offence shall allow the concerned person to ask to receive the follow-up documents in one different official EU language than the language of the registration document of the vehicle. Moved from Article 5a / L207-208	5. <u>Upon request of the concerned person,</u> the competent authority of the Member State of the offence shall allow the concerned person to ask to receive the follow-up documents in one different official EU language than the language of the registration document of the vehicle. Redrafted

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (7), amending provision, Article(2)			
213t			<p>6. Member States shall ensure that the quality of the translation of the traffic offence notice and of the follow-up documents is at least of the standard laid down in Article 3(9) of Directive 2010/64/EU.</p> <p>Moved from Article 5a / L211</p>	<p>6. Member States shall ensure that the quality of the translation of the traffic offence notice and of the follow-up documents is at least of the standard laid down in Article 3(9) of Directive 2010/64/EU.</p>
	Article 1, first paragraph, point (7), amending provision, Article(3)			
213u			<p>7. The Member State of the offence shall ensure that the traffic offence notice and the follow-up documents served to the concerned persons are reviewed effectively and rapidly by a competent authority with the power to adopt legally binding decisions, at the request of concerned person on the grounds that such documents do not comply with this Article, Article 5a and 5a1.</p> <p>Moved from Article 5a / L212</p>	<p>7. The Member State of the offence shall ensure that the traffic offence notice and the follow-up documents served to the concerned persons are reviewed effectively and rapidly by a competent authority with the power to adopt legally binding decisions, at the request of concerned person on the grounds that such documents do not comply with this Article, Article 5a and 5a1.</p>

	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 incurred by administering those proceedings. This is without prejudice for the right of the authorities of Member States to charge proportionate administrative fees.	1. 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.	deleted	Will be issued later
	Article 1, first paragraph, point (7), amending provision, Article, third paragraph			
216a		1a. <u>Member States shall ensure</u>		2. <u>Member States shall ensure</u>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<u>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>		<u>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>
Article 1, first paragraph, point (8)				
219	(8) Articles 6, 7 and 8 are replaced by the following:	(8) Articles 6, 7 and 8 are replaced by the following:	(8) Articles 6, 7 and 8 are replaced by the following:	(8) Articles 6, 7 and 8 are replaced by the following:
Article 1, first paragraph, point (8), amending provision, Article				
220	Article 6	<u>Article 6</u> Article 6 <u>Reporting and monitoring</u>	Article 6 Article 6 Reporting and monitoring	Article 6 Reporting and monitoring
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), first subparagraph				
222	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.	1. At the latest on the following dates: 6 May 2024, 6 May 2026 (...) <u>and every two years thereafter</u> , each Member State shall send a comprehensive report to the Commission in accordance with the second and third subparagraph	deleted	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		of this paragraph.		
<i>Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), second subparagraph</i>				
223	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 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.	deleted	
<i>Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), third subparagraph</i>				
224	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.	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.	deleted	
<i>Article 1, first paragraph, point (8), amending provision, numbered paragraph (2)</i>				
225	2. By [four years after the date of entry into force of this Directive],	2. By [four years after the date of entry into force of this Directive],	2. By [<i>four years after the date of entry into force of this</i>	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	and every four years thereafter, each Member State shall send a report to the Commission on the application of this Directive.	and every four years thereafter, each Member State shall send a report to the Commission on the application of this Directive.	Directive 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. The report shall contain data and statistics corresponding to each calendar year of the reporting period.	
Article 1, first paragraph, point (8), amending provision, numbered paragraph (3), first subparagraph				
226	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.	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.	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.	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.
Article 1, first paragraph, point (8), amending provision, numbered paragraph (3), second subparagraph				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
227	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:	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 <u>and any related problems encountered by Member States</u> . The description shall at least specify:	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:	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 <u>and any related problems encountered by Member States</u> . The description shall at least specify:
Article 1, first paragraph, point (8), amending provision, numbered paragraph (3), second subparagraph, point (a)				
228	(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;	(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;	(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 concerned person on the spot;	(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 concerned person on the spot;
Article 1, first paragraph, point (8), amending provision, numbered paragraph (3), second subparagraph, point (b)				
229	(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;	(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;	(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 concerned person on the	(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 concerned person on the spot;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			spot;	
Article 1, first paragraph, point (8), amending provision, numbered paragraph (3), second subparagraph, point (c)				
230	(c) the number of fixed or removable automatic detection equipment, including speed cameras;	(c) the number of fixed or removable automatic detection equipment, including speed cameras;	(c) the number of fixed or removable automatic detection equipment, including speed cameras;	(c) the number of fixed or removable automatic detection equipment, including speed cameras;
Article 1, first paragraph, point (8), amending provision, numbered paragraph (3), second subparagraph, point (d)				
231	(d) the number of financial penalties paid voluntarily by non-residents;	(d) the number of financial penalties paid voluntarily by non-residents;	(d) the number of financial penalties paid voluntarily by non-residents;	(d) the number of financial penalties paid voluntarily by non-residents;
Article 1, first paragraph, point (8), amending provision, numbered paragraph (3), second subparagraph, point (e)				
232	(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;	(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;	(e) the number of electronically transmitted mutual assistance requests and responses in accordance with Article 4a(3) and the number of such requests where the information was not provided;	(e) the number of electronically transmitted mutual assistance requests and responses in accordance with Article 4a(3) and the number of such requests where the information was not provided;
Article 1, first paragraph, point (8), amending provision, numbered paragraph (3), second subparagraph, point (f)				
233	(f) the number of electronically transmitted mutual assistance requests in accordance with Article 5a(4) and the number of such	(f) the number of electronically transmitted mutual assistance requests in accordance with Article 5a(4) and the number of such	(f) the number of electronically transmitted mutual assistance requests and responses in accordance with Article	(f) the number of electronically transmitted mutual assistance requests and responses in accordance with Articles 4a and

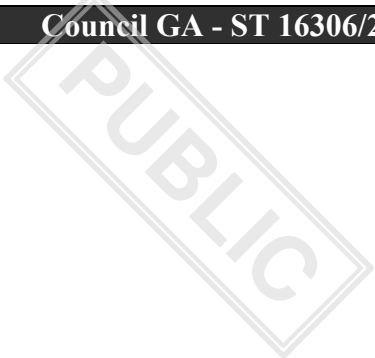
	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	requests where it was not possible to serve the documents.	requests where it was not possible to serve the documents.	5a(4) Articles 4a and 5a1(1) and the number of such requests where it was not possible to serve the documents.	5a1(1) and the number of such requests where it was not possible to serve the documents.
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4)				
234	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.	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. <u>Those reports shall also be published on the website of the portal referred to in Article 8.</u>	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.	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 1, first paragraph, point (8), amending provision, Article				
235	Article 7	<u>Article 7</u> <u>Additional obligations</u>	Article 7 Additional obligations	Article 7 Additional obligations
Article 1, first paragraph, point (8), amending provision, Article, second paragraph				
237	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	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	This Directive is without prejudice to obligations under Union law on the protection of personal data and on cybersecurity, in particular Regulation (EU)	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	<p>2016/679, Directive (EU) 2016/680 and Directive (EU) 2022/2555 of the European Parliament and of the Council*,¹. Member States shall inform each other on cybersecurity incidents, notified pursuant to Article 10 of ensure that all personal data processed in accordance with this Directive (EU) 2022/2555, where the incidents relate to data stored in virtual or physical clouds or cloud-hosting services are only used for the objective set out in Article 1 of this Directive.</p> <p>¹. 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).</p>	
Article 1, first paragraph, point (8), amending provision, Article, third paragraph				
237a			In addition to that, also legal entities in their quality as holders, owners or end-users of vehicles subject to the data exchange of this Directive shall have the right to obtain	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			information on the processing of their data.	
Article 1, first paragraph, point (8), amending provision, Article, fourth paragraph				
237b			Member States shall inform each other on cybersecurity incidents, notified pursuant to Article 23 of Directive (EU) 2022/2555, where the incidents relate to data stored in virtual or physical clouds or cloud-hosting services.	
Article 1, first paragraph, point (8), amending provision, Article				
238	Article 8	Article 8 <u>Article 8 Portal for cross-border exchange of information on road-safety-related traffic offences ('CBE Portal')</u>	Article 8 Article 8 Information portal on road-safety-related traffic offences ('CBE Portal')	Article 8 Information portal on road-safety-related traffic offences ('CBE Portal')
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1)				
240	1. The Commission shall establish and maintain an online CBE Portal available in all official languages of the Union dedicated to:	1. The Commission shall establish and maintain an online CBE Portal available in all official languages of the Union dedicated to:	1. The Commission shall establish and maintain an online CBE Portal available in all official languages of the Union dedicated to: sharing information with road users on the rules in the field covered by this Directive in force in the Member States. This shall	1. The Commission shall establish and maintain an online CBE Portal available in all official languages of the Union dedicated to sharing information with road users on the rules in the field covered by this Directive in force in the Member States. This shall include appeal

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			include appeal procedures, the road traffic fines that are applied to the concerned person when committing a traffic offence, where applicable the applied non-financial effects and the schemes and available means for the payment of the road traffic fines;	procedures, the road traffic fines that are applied to the concerned person when committing a traffic offence, where applicable the applied non-financial effects and the schemes and available means for the payment of the road traffic fines; Can EP amendment L241 be included?
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), point (a)				
241	(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;	(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 <u>and how drivers can comply with them</u> , appeal procedures, applied sanctions, and the schemes and available means for the payment of financial penalties;	deleted Integrated in L240	Deletion accepted
Article 1, first paragraph, point (8), amending provision, numbered paragraph (1), point (b)				
242	(b) the exchange of information and other interactions between national contact points and other relevant authorities of Member States with each other and with	(b) the exchange of information and other interactions between national contact points and other relevant authorities of Member States with each other and with	deleted	Deletion accepted

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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).	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).	PUBLIC	
<i>Article 1, first paragraph, point (8), amending provision, numbered paragraph (2)</i>				
243	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.	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.	deleted	Deletion accepted
<i>Article 1, first paragraph, point (8), amending provision, numbered paragraph (3)</i>				
244	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	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	deleted	Deletion accepted - idea will be formulated in a recital

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	<p>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**.</p>	<p>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 <u>and Member States</u> shall be the controller<u>joint controllers</u> of the CBE Portal, in accordance with Regulation 2018/1725***.</p> <p><u>1. 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).</u></p>		
Article 1, first paragraph, point (8), amending provision, numbered paragraph (4)				
245	<p>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</p>	<p>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</p>	<p>4. The CBE Portal shall be compatible with the interface established under Regulation (EU) 2018/1724 of the European Parliament and of the Council***¹ and with other portals or platforms</p>	<p>4. The CBE Portal shall be compatible with the interface established under Regulation (EU) 2018/1724 of the European Parliament and of the Council¹ and with other portals or platforms with</p>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	with a similar purpose, such as the European e-Justice Portal.	with a similar purpose, such as the European e-Justice Portal. <u>1. 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).</u>	with a similar purpose, such as the European e-Justice Portal. <u>1. 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).</u>	a similar purpose, such as the European e-Justice Portal. 1. 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).
Article 1, first paragraph, point (8), amending provision, numbered paragraph (5)				
246	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.	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. <u>Member States shall ensure that a link to the online portal is provided on the websites of their national contact points. Any personal data processes under this Article shall be retained for a maximum of four years.</u>	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.	5. Member States shall provide up-to-date information to the Commission, for the purposes of this Article. <u>Member States shall ensure that a link to the online portal is provided on the websites of the competent authorities.</u> Part of EM amendment has been integrated
Article 1, first paragraph, point (8), amending provision, numbered paragraph (6), first subparagraph				
247	6. The Commission shall adopt implementing acts in order to establish the technical	6. The Commission shall adopt implementing acts in order to establish the technical	6. The Commission shall adopt implementing acts in order to establish the technical	6. The Commission shall adopt implementing acts in order to establish the technical

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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).	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).	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).	specifications 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).
Article 1, first paragraph, point (9)				
252	(9) The following Article 8a is inserted:	(9) The following Article 8a <u>Articles are</u> inserted:	(9) The following Article 8a <u>Articles are</u> inserted:	(9) The following Articles are inserted:
Article 1, first paragraph, point (9), amending provision, Article				
253	Article 8a	Article 8a <u>Financial support for cross-border cooperation in enforcement activities</u>	Article 8a Financial support for cross-border cooperation in enforcement activities	Article 8a Financial support for cross-border cooperation in enforcement activities
Article 1, first paragraph, point (9), amending provision, Article, second paragraph				
255	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	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	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	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

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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. <u>The exchange of best practices should be based on the publishing of new and revised Commission's Recommendation 2004/345 on enforcement and sanctions in the field of road safety. These new and revised recommendations should encourage Member States to achieve high standards on enforcement.</u>	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.	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.
Article 1, first paragraph, point (9), amending provision, Article, third paragraph				
255a		<u>The Commission and Member States shall also support Member States in digitising the data covered in Annex III of Directive 2010/40/EU that are relevant for the offences set out in Article 2(1).</u>		EP will make a suggestion to redraft this
Article 1, first paragraph, point (9), amending provision, Article				
255b		<u>Article 8aa</u> <u>Enforcement</u>		The Presidency suggest to replace this

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
				Article (L255b-e) with a revised recital (35a) L45a.
	Article 1, first paragraph, point (9), amending provision, Article, first paragraph			
R 255c		<u>Revenues generated from financial penalties for road safety-related traffic offences, or the equivalent in the financial value of those revenues, shall be used to increase road safety.</u>		
	Article 1, first paragraph, point (9), amending provision, Article, second paragraph			
R 255d		<u>Where such revenues are allocated to the general budget of a Member State, a Member State shall be deemed to have complied with the first subparagraph of this paragraph if it implements financial support policies to increase road safety which have a value equivalent to the revenues generated from financial penalties to road-safety-related traffic offences defined in Article 3 of this Directive.</u>		
	Article 1, first paragraph, point (9), amending provision, Article, third paragraph			
R 255e		<u>By [6 May 2026], and every</u>		

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<u>[three] years thereafter, Member States shall make public in aggregate form a report on the use of revenues generated from financial penalties.</u>		
Article 1, first paragraph, point (9), amending provision, Article				
R 255f		<u>Article 8ab</u> <u>Exchange of information on traffic offences with neighbouring third countries</u>		The Presidency suggest to replace this Article (L255f-i) with a revised recital (25a) L35a, which would cover recitals (25a), (25b) and (25c).
Article 1, first paragraph, point (9), amending provision, Article, first paragraph				
R 255g		<u>By no later than [two years after the entry into force of this Directive], the Commission shall analyse in the light of a legal opinion how to effectively enforce the offences defined by this Directive under European Convention on the Mutual Assistance in Criminal Matters of 1959 and its protocols (MLA) identifying effective and efficient measures to improve road safety and at the same time safeguarding data protection requirements, in particular of the Union vehicle holders and drivers;</u>		

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (9), amending provision, Article, second paragraph			
R 255h		<p><u>With the view to addressing road-safety-related traffic offences committed by third-country nationals, it shall be possible for third countries to participate in the exchange of Vehicle Registration Data (VRD), provided that they have concluded an agreement with the Union to this effect. Such an agreement shall include necessary provisions for data protection.</u></p>		
	Article 1, first paragraph, point (9), amending provision, Article, third paragraph			
R 255i		<p><u>In case of a long waiting time for the conclusion of such an agreement, Member States, in cooperation with the Commission, shall develop a dedicated solution to detect presumed traffic offenders on the spot while they try to cross external borders of the Union in order to charge a financial penalty for the road-safety-related traffic offence that took place on its territory.</u></p>		

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Article 1, first paragraph, point (9), amending provision, Article			
255j			Article 8b Mutual assistance in enforcement activities	Article 8b Mutual assistance in enforcement activities
	Article 1, first paragraph, point (9), amending provision, Article(1)			
255k			1. Member States shall provide enforcement assistance to each other in the case of non-payment of a road traffic fine imposed for the commission of a road-safety-related traffic offences listed in Article 2(1).	1. Member States shall provide enforcement assistance to each other in the case of non-payment of a road traffic fine imposed for the commission of a road-safety-related traffic offences listed in Article 2(1).
	Article 1, first paragraph, point (9), amending provision, Article(2)			
255l			2. After the service of the traffic offence notice to the concerned person and in the case of non-payment of a road traffic fine imposed by the competent authority of the Member State of the offence, the latter may request the competent authority of the Member State of the registration or the Member State of residence to assist in the enforcement of administrative decisions on road traffic fines	2. After the service of the traffic offence notice to the concerned person and in the case of non-payment of a road traffic fine imposed by the competent authority of the Member State of the offence, the latter may request the competent authority of the Member State of the registration or the Member State of residence to assist in the enforcement of administrative decisions on road traffic fines related to road-safety-

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			related to road-safety-related traffic offences listed in Article 2(1).	related traffic offences listed in Article 2(1).
Article 1, first paragraph, point (9), amending provision, Article(3)				
G 255m			3. The request for assistance shall comply with the following criteria:	3. The request for assistance shall comply with the following criteria:
Article 1, first paragraph, point (9), amending provision, Article(3), point (a)				
G 255n			(a) the decision on a road traffic fine shall be of administrative nature, final and enforceable according to the applicable laws and regulations of the requesting Member State;	(a) the decision on a road traffic fine shall be of administrative nature, final and enforceable according to the applicable laws and regulations of the requesting Member State;
Article 1, first paragraph, point (9), amending provision, Article(3), point (b)				
G 255o			(b) the Member State of the offence is in the possession of a proof of service to the concerned person of the request for the payment of the road traffic fine;	(b) the Member State of the offence is in the possession of a proof of service to the concerned person of the request for the payment of the road traffic fine;
Article 1, first paragraph, point (9), amending provision, Article(3), point (c)				
G 255p			(c) the concerned person was	(c) the concerned person was

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			informed of and had an opportunity to exercise the legal remedies against the administrative decision imposing a road traffic fine according to the applicable laws and regulations of the Member State of the offence and	informed of and had an opportunity to exercise the legal remedies against the administrative decision imposing a road traffic fine according to the applicable laws and regulations of the Member State of the offence and
	Article 1, first paragraph, point (9), amending provision, Article(3), point (d)			
g	255q		(d) the road traffic fine is higher than 70€.	(d) the road traffic fine is higher than 70€.
	Article 1, first paragraph, point (9), amending provision, Article(3), point (e)			
g	255r		4. The competent authority of the Member State of the offence shall transmit the request related to the mutual assistance, referred to in paragraph 1 of this Article, to the Member State of the registration or the Member State of the residence in an electronically structured form.	4. The competent authority of the Member State of the offence shall transmit the request related to the mutual assistance, referred to in paragraph 1 of this Article, to the Member State of the registration or the Member State of the residence in an electronically structured form.
	Article 1, first paragraph, point (9), amending provision, Article(3), point (f)			
g	255s		5. If the concerned person can demonstrate that the payment of the road traffic fine has been	5. If the concerned person can demonstrate that the payment of the road traffic fine has been made,

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			made, the competent authority of the Member State of the registration or the Member State of residence shall promptly notify the competent authority of the Member State of the offence about this.	the competent authority of the Member State of the registration or the Member State of residence shall promptly notify the competent authority of the Member State of the offence about this.
Article 1, first paragraph, point (9), amending provision, Article(3), point (g)				
255t			6. The competent authorities of the Member State of the registration or the Member State of residence shall recognise the administrative decision on a road traffic fine which has been transmitted in accordance with this Article without any further formality being required and shall forthwith take all the necessary measures for its enforcement unless this competent authority decides to invoke one of the grounds for non-recognition or non-enforcement provided for in paragraph 8.	6. The competent authorities of the Member State of the registration or the Member State of residence shall recognise the administrative decision on a road traffic fine which has been transmitted in accordance with this Article without any further formality being required and shall forthwith take all the necessary measures for its enforcement unless this competent authority decides to invoke one of the grounds for non-recognition or non-enforcement provided for in paragraph 8.
Article 1, first paragraph, point (9), amending provision, Article(3), point (h)				
255u			7. The enforcement of the decision on a road traffic fine	7. The enforcement of the decision on a road traffic fine shall be

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			shall be governed by the laws and regulations applicable in the Member State of registration or Member State of residence.	governed by the laws and regulations applicable in the Member State of registration or Member State of residence.
Article 1, first paragraph, point (9), amending provision, Article(3), point (i)				
255v			8. The competent authority of the requested Member State may refuse to recognise and enforce the administrative decision on a road traffic fine if it is established that:	8. The competent authority of the requested Member State may refuse to recognise and enforce the administrative decision on a road traffic fine if it is established that:
Article 1, first paragraph, point (9), amending provision, Article(3), point (j)				
255w			(a) the enforcement of the decision on a road traffic fine is contrary to the principal of “ne bis in idem”;	(a) the enforcement of the decision on a road traffic fine is contrary to the principal of “ne bis in idem”;
Article 1, first paragraph, point (9), amending provision, Article(3), point (k)				
255x			(b) there is immunity under the law of the Member State of the registration or the Member State of the residence, which makes it impossible to enforce the administrative decision on a road traffic fine;	(b) there is immunity under the law of the Member State of the registration or the Member State of the residence, which makes it impossible to enforce the administrative decision on a road traffic fine;

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement	
Article 1, first paragraph, point (9), amending provision, Article(3), point (l)					
G	255y		(c) the decision on a road traffic fine is no longer enforceable under the law of the Member State of the registration or the Member State of the residence due to lapse of time;	(c) the decision on a road traffic fine is no longer enforceable under the law of the Member State of the registration or the Member State of the residence due to lapse of time;	G
Article 1, first paragraph, point (9), amending provision, Article(3), point (m)					
G	255z		(d) the decision on a road traffic fine is not final;	(d) the decision on a road traffic fine is not final;	G
Article 1, first paragraph, point (9), amending provision, Article(3), point (n)					
G	255aa		(e) the decision on a road traffic fine or at least its essential content is not translated into the official EU language of the Member State of registration or the Member State of residence;	(e) the decision on a road traffic fine or at least its essential content is not translated into the official EU language of the Member State of registration or the Member State of residence;	G
Article 1, first paragraph, point (9), amending provision, Article(3), point (o)					
G	255ab		(f) the request is incomplete and cannot be completed by the competent authorities of the Member State of the offence or	(f) the request is incomplete and cannot be completed by the competent authorities of the Member State of the offence or	G

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement	
Article 1, first paragraph, point (9), amending provision, Article(3), point (p)					
G	255ac		(g) fundamental rights or fundamental legal principles as enshrined in the Charter of Fundamental Rights of the European Union¹are infringed upon. <u>1. OJ C 326, 26.10.2012, p. 391</u>	(g) fundamental rights or fundamental legal principles as enshrined in the Charter of Fundamental Rights of the European Union ¹ are infringed upon. <u>1. OJ C 326, 26.10.2012, p. 391</u>	G
Article 1, first paragraph, point (9), amending provision, Article(3), point (q)					
G	255ad		If a request is rejected, the competent authority of the Member State of the registration or the Member State of the residence shall notify the competent authority of the Member State of the offence, stating the reasons for the rejection.	If a request is rejected, the competent authority of the Member State of the registration or the Member State of the residence shall notify the competent authority of the Member State of the offence, stating the reasons for the rejection.	G
Article 1, first paragraph, point (9), amending provision, Article(3), point (r)					
G	255ae		9. The sum of money obtained from the enforcement of the decision on a road traffic fine shall accrue to the Member State of the registration or the Member State of the residence unless otherwise agreed between	9. The sum of money obtained from the enforcement of the decision on a road traffic fine shall accrue to the Member State of the registration or the Member State of the residence unless otherwise agreed between the Member State	G

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			the Member State of the offence and the Member State of the registration or the Member State of the residence. The money shall be accrued in the currency of the Member State of the registration or the Member State of the residence, whichever is being requested.	of the offence and the Member State of the registration or the Member State of the residence. The money shall be accrued in the currency of the Member State of the registration or the Member State of the residence, whichever is being requested.
	Article 1, first paragraph, point (9), amending provision, Article(3), point (s)			
G 255af			10. Paragraphs 1 to 9 shall not preclude the application of the Framework Decision 2005/214/JHA, bilateral or multilateral agreements or arrangements between Member States in so far as such agreements or arrangements help to simplify or facilitate further the procedures for the enforcement of financial penalties under the scope of this Directive.	10. Paragraphs 1 to 9 shall not preclude the application of the Framework Decision 2005/214/JHA, bilateral or multilateral agreements or arrangements between Member States in so far as such agreements or arrangements help to simplify or facilitate further the procedures for the enforcement of financial penalties under the scope of this Directive.
	Article 1, first paragraph, point (9), amending provision, Article			
R 255ag				<u>Article 8c</u> <u>Bilateral and multilateral agreements between Member</u>

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
				<u>States</u>
	Article 1, first paragraph, point (9), amending provision, Article, first paragraph			
R 255ah				<u><i>This Directive shall not preclude the application of bilateral or multilateral agreements or arrangements between Member States in so far as such agreements or arrangements allow the prescriptions of this Directive to be exceeded and help to simplify or facilitate further the procedures set out in this Directive.</i></u>
	Article 1, first paragraph, point (10)			
G 256	(10) Article 9 is replaced by the following:	(10) Article 9 is replaced by the following:	(10) Article 9 is replaced by the following:	(10) Article 9 is replaced by the following:
	Article 1, first paragraph, point (10), amending provision, Article			
G 257	‘ Article 9	‘ <u>Article 9</u> Article 9 <u>Delegated acts</u>	‘ Article 9 Article 9 Delegated acts	‘ Article 9 Delegated acts
	Article 1, first paragraph, point (10), amending provision, Article, second paragraph			

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
259	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.		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.	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.
Article 1, first paragraph, point (11)				
260	(11) The following Article 10a is inserted:	(11) The following Article 10a is inserted:	(11) The following Article 10a is inserted:	(11) The following Article is inserted:
Article 1, first paragraph, point (11), amending provision, Article				
261	Article 10a	<p><u>Article 10a</u></p> <p>Article 10a</p> <p><u>Committee procedure</u></p>	<p>Article 10a</p> <p>Article 10a</p> <p>Committee procedure</p>	Article 10a Committee procedure
Article 1, first paragraph, point (11), amending provision, numbered paragraph (1)				
263	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*.	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 ¹ .	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 ¹ .	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 ¹ .

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
		<u>1. 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).</u>	1. 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).	1. 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).
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), first subparagraph				
264	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.	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.	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 delivers no opinion, the Commission 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 not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.	
Article 1, first paragraph, point (11), amending provision, numbered paragraph (2), second subparagraph				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
265	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.	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.	deleted <i>L265 has been integrated in L264 (above)</i>	
<i>Article 1, first paragraph, point (12)</i>				
268	(12) Article 11 is replaced by the following:	(12) Article 11 is replaced by the following:	(12) Article 11 is replaced by the following:	(12) Article 11 is replaced by the following:
<i>Article 1, first paragraph, point (12), amending provision, Article</i>				
269	Article 11	<u>Article 11</u> Article 11 <u>Reporting by the Commission</u>	Article 11 Article 11 Reporting by the Commission	Article 11 Reporting by the Commission
<i>Article 1, first paragraph, point (12), amending provision, Article, second paragraph</i>				
271	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.	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.	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.	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.

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
Article 1, first paragraph, point (13)				
272	(13) Annex I is replaced by the text in the Annex to this Directive;	(13) Annex I is replaced by the text in the Annex to this Directive;	(13) Annex I is replaced by the text in the Annex to this Directive;	(13) Annex I is replaced by the text in the Annex to this Directive;
Article 1, first paragraph, point (14)				
273	(14) Annex II is deleted.	(14) Annex II is deleted.	(14) Annex II is deleted.	(14) Annex II is deleted.
Article 1a				
273a			Article 1a Transitional reporting	
Article 1a(1)				
273b			Member States shall send at the latest on 6 May 2026 a comprehensive report to the Commission in accordance with the second and third subparagraph of this Article.	
Article 1a(2)				
273c			The comprehensive report shall indicate the number of	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
			automated searches conducted by the Member State of the offence addressed to the national contact points of the Member States of registration, following offences committed on its territory, together with the type of offences for which requests were addressed and the number of failed requests.	
Article 1a(3)				
273d			The comprehensive report shall also include a description of the situation at national level in relation to the follow-up given to the road-safety-related traffic offences, based on the proportion of such offences which have been followed up by traffic offence notices.	
Article 2				
274	Article 2	Article 2 <u>Transposition</u>	Article 2 Transposition	Article 2 Transposition
Article 2(1), first subparagraph				
275	1. Member States shall bring into	1. Member States shall bring into	1. Member States shall bring into	

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	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.	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.	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] <i>please insert: three years after the date of entry into force of this Directive</i> at the latest. They shall forthwith communicate to the Commission the text of those provisions.	
Article 2(1), second subparagraph				
276	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.	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.	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.	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.
Article 2(2)				
277	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.	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.	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.	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				

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
278	Article 3	Article 3 <u>Entry into force</u>	Article 3 Entry into force	Article 3 Entry into force
Article 3, first paragraph				
279	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.	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				
280	Article 4	Article 4 <u>Addressees</u>	Article 4 Addressees	Article 4 Addressees
Article 4, first paragraph				
281	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.	This Directive is addressed to the Member States.
Formula				
282	Done at Brussels,	Done at Brussels,	Done at Brussels,	Done at Brussels,
Formula				
283	For the European Parliament	For the European Parliament	For the European Parliament	For the European Parliament

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Formula			
g 284	The President	The President	The President	The President g
	Formula			
g 285	For the Council	For the Council	For the Council	For the Council g
	Formula			
g 286	The President	The President	The President	The President g

For the annex to the Directive, you can find below a consolidated version.

Changes are marked compared to the Commission proposal.

- Changes introduced by the European Parliament are marked in bold, underline and blue for **new text** and blue and strike-through for ~~deletions~~.
- Changes introduced by the Council are marked in bold, underline and black for **new text** and black and strike-through for ~~deletions~~.

‘Annex

Data elements necessary to conduct the search referred to in Article 4(1)

1. Data elements of initiating search (outgoing request)

Item	M/O (1)	Remarks
Member State of registration	M	Distinguishing sign ⁽²⁾ of the Member State of registration of the detected vehicle
Registration number	M	Full registration number of the detected vehicle
Data relating to the offence	M	
Member State of the offence	M	Distinguishing sign ⁽³⁾ of the Member State of the offence
Reference date of the offence	M	
Reference time of the offence	M	
Purpose of the search	M	Code indicating the type of road-safety-related-traffic offence as listed in Article 2(1) 1. = Speeding 2. = Drink-driving 3. = Failing to use a seat belt 4. = Failing to stop at a red traffic light 5. = Use of a forbidden lane 10. = Driving under the influence of drugs 11. = Failing to wear a safety helmet 12. = Illegally using a mobile phone or any other communication devices while driving [...] = Not keeping <u>the required</u> sufficient distance from the vehicle in front [...] = Dangerous overtaking <u>that does not comply with traffic regulations</u> [...] = Dangerous parking <u>in an unauthorised place posing a serious risk to other road users</u> [...] = Crossing one or more solid white <u>white</u> lines [...] = Wrong-way driving [...] = Not respecting the rules on the creation and use of emergency corridors

		[...] = <u>Use Driving</u> using of an overloaded vehicle [...] = <u>non-respect of vehicle-access-restrictions</u> [...] = <u>hit-and-run / hit-and run</u> [...] = <u>not respecting the rules at a railway level-crossing</u>
--	--	---

(¹) M = Mandatory communication of the data element, O = Optional communication of the data element.

(²) (³) Distinguishing sign in accordance with Article 37 of Vienna Convention of 8 November 1968 concluded under the auspices of the United Nations Economic Commission for Europe.

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

Part I. Data relating to vehicles

Item	M/O (⁴)	Remarks (⁵)
Registration number	M	(Code A) Full registration number of the requested vehicle
Chassis number/VIN	M	(Code E) Full chassis number/VIN of the requested vehicle
Member State of registration	M	Distinguishing sign(⁶) of the Member State of registration of the requested vehicle
Make	M	(Code D.1) Make of the requested vehicle e.g. Ford, Opel, Renault
Commercial description(s) of the vehicle	M	(Code D.3) Commercial description of the requested vehicle e.g. Focus, Astra, Megane
EU Category Code	M	(Code J) e.g. N1, M2, N2, L, T
Registration date	M	(Code I) Date of the last registration of the requested vehicle
Language	Ø <u>M</u>	Language of the vehicle registration document
Previous inquiries	O	The dates of previous inquiries on the requested vehicle
<u>Date of 1st registration of the vehicle</u>	<u>M</u>	<u>(Code B)</u>
<u>Maximum technically permissible laden mass except for motorcycles</u>	<u>M</u>	<u>(Code F.1)</u>
<u>Maximum permissible laden mass of the vehicle in service in the Member State of registration</u>	<u>M</u>	<u>(Code F.2)</u>
<u>Maximum permissible laden mass of the whole vehicle in service in the Member State of registration</u>	<u>M</u>	<u>(Code F.3)</u>

<u>Mass of the vehicle in service with bodywork and with coupling device in the case of a towing vehicle in service from any category other than M1</u>	<u>M</u>	<u>(Code G)</u>
<u>(L) number of axles;</u>	<u>M</u>	<u>(Code L)</u>
<u>(M) wheelbase (in mm)</u>	<u>M</u>	<u>(Code M)</u>
<u>(N) for vehicles with a total exceeding 3 500 kg, distribution of the technically permissible maximum laden mass among the axles:</u> <u>(N.1) axle 1 (in kg)</u> <u>(N.2) axle 2 (in kg), where appropriate</u> <u>(N.3) axle 3 (in kg), where appropriate</u> <u>(N.4) axle 4 (in kg), where appropriate</u> <u>(N.5) axle 5 (in kg), where appropriate</u>	<u>M</u>	<u>(Code N)</u> <u>(Code N.1)</u> <u>(Code N.2)</u> <u>(Code N.3)</u> <u>(Code N.4)</u> <u>(Code N.5)</u>
<u>(O) technically permissible maximum towable mass of the trailer:</u> <u>(O.1) braked (in kg)</u> <u>(O.2) unbraked (in kg)</u>	<u>M</u>	<u>(Code O)</u> <u>(Code O.1)</u> <u>(Code O.2)</u>
<u>(P) engine:</u> <u>(P.3) type of fuel or power source</u>	<u>M</u>	<u>(Code P)</u> <u>(Code P.3)</u>
<u>EURO type</u>	<u>M</u>	<u>(Code V.9)</u>

⁽⁴⁾ M = Mandatory communication of the data element, O = Optional communication of the data element.

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

⁽⁶⁾ Distinguishing sign in accordance with Article 37 of Vienna Convention of 8 November 1968 concluded under the auspices of the United Nations Economic Commission for Europe.

Part II. Data relating to holders and owners of the vehicles

Item	M/O ⁽⁷⁾	Remarks ⁽⁸⁾
<u>Data relating to holders of the vehicle</u>		(Code C.1) The data refers to the holder of the specific registration certificate.
Registration holders' (company) name	M	(Code C.1.1) Separate fields shall be used for surname, infixes, titles, and the name in printable format shall be communicated.
First name	M	(Code C.1.2) Separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated.
Address	M	(Code C.1.3) Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated.
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	Θ M	An identifier that uniquely identifies the person or the company
<u>Data relating to owners of the vehicle</u>		(Code C.2) The data refer to the owner of the vehicle.
Owners' (company) name	M	(Code C.2.1)
First name	M	(Code C.2.2)
Address	M	(Code C.2.3)
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	O	An identifier that uniquely identifies the person or the company

⁽⁷⁾ M = Mandatory communication of the data element when available in a Member State's national register. O = Optional communication of the data element.

⁽⁸⁾ The codes are harmonised according to Annex I and II to Council Directive 1999/37/EC on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

Part III. Data relating to end users of the vehicles

Item	M/O ⁽⁹⁾	Remarks
<u>Data relating to end users of the vehicle</u>		The data refers to the end user of the vehicle.
Registration end users' name	M	Separate fields shall be used for surname, infixes, titles, and the name in printable format shall be communicated.
First name	M	Separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated.
Address	M	Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated.
Gender	O	Male, female
Date of birth	M	
Place of Birth	O	
ID Number	Θ <u>M</u>	An identifier that uniquely identifies the person

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

Part IV. Data relating to previous holders and owners of the vehicles, in accordance with Article 4(3)

Item	M/O ⁽¹⁰⁾	Remarks ⁽¹¹⁾
Data relating to previous holders of the vehicle		(Code C.1) The data refers to the holder of the specific registration certificate.
Registration previous holders' (company) name	M	(Code C.1.1) Separate fields shall be used for surname, infixes, titles, and the name in printable format shall be communicated.
First name	M	(Code C.1.2) Separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated.
Address	M	(Code C.1.3) Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated.
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	O	An identifier that uniquely identifies the person or the company.
Data relating to previous owners of the vehicle		(Code C.2) The data refer to the previous owner of the vehicle.
Previous owners' (company) name	M	(Code C.2.1)
First name	M	(Code C.2.2)
Address	M	(Code C.2.3)
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	O	An identifier that uniquely identifies the person or the company.

⁽¹⁰⁾ M = Mandatory communication of the data element when available in a Member State's national register, O = Optional communication of the data element.

⁽¹¹⁾ The codes are harmonised according to Annex I and II to Council Directive 1999/37/EC on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

Part V. Data relating to previous end users of the vehicles, in accordance with Article 4(3)

Item	M/O ⁽¹⁰⁾	Remarks
<u>Data relating to previous end users of the vehicle</u>		The data refers to previous end user of the vehicle.
Registration previous end users' name	M	Separate fields shall be used for surname, infixes, titles, and the name in printable format shall be communicated.
First name	M	Separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated.
Address	M	Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated.
Gender	O	Male, female
Date of birth	M	
Place of Birth	O	
ID Number	Θ <u>M</u>	An identifier that uniquely identifies the person.

⁽¹⁰⁾ M = Mandatory communication of the data element when available in a Member State's national register, O = Optional communication of the data element.