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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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 – Preparation for the trilogue

Delegations can find annexed a correction for three lines in the 4 column document that was annexed to document ST 5699/24 INIT.

This relates to:

- P.32-33: line 34, recital (24): on private legal entities;
- P. 36-37: line 35a, recital (25a): on third countries and the application of existing bilateral and multilateral agreements;
- P. 45-46: line 42a, recital (32a): on earmarking.

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

- Annex to ST 5699/24 COR1 –

	Commission Proposal	EP Mandate – PE 749.236	Council GA - ST 16306/23	Draft Agreement
	Page 32-33			
	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 where such administration is outsourced to private or public entities. Nevertheless, the authorities of Member States should be allowed to charge proportionate administrative fees.	(24) To ensure transparent and proportional application of financial penalties to road-safety-related traffic offences, which are subject to public law, presumed liable persons should not be forced to pay legal and administrative expenses related to the administration of the penalties where such administration is outsourced to private or public entities. Nevertheless, the authorities of Member States should be allowed to charge proportionate administrative fees.	deleted	(24) To ensure transparent and proportional application of financial penalties to road-safety-related traffic offences, which are subject to public law, presumed liable persons should not be forced to pay legal and administrative expenses related to the administration of the penalties where such administration is outsourced to private or public entities. Nevertheless, the authorities of Member <u>States transparency and to prevent current and future abuse of the cooperation mechanism, established by this Directive, by private legal entities operating across the Union, in particular when private entities illicitly</u>

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			PUBLIC	<p><u>access vehicle registration data or impose unproportionate fees in relation to administrative fees imposed by the competent authorities, private entities</u> should not be designated or act as <u>competent authority or national contact point</u> be allowed to charge proportionate administrative fees.</p> <p>Redrafted in view of the Presidency proposal for Article 5b (L 214-216a)</p>
	Page 36-37			
	Recital 25a			
R 35a		<p><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 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</u></p>		<p><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 drivers of third-country registered vehicles. To that end different means for enhancing the cooperation and exchange of information on road-safety-related traffic offences between the Member States and third countries, including concerns on the protection of European citizens and their personal data need to be explored. This would be without prejudice</u></p>

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		<u>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>		<u>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> <u>(25b new) This Directive should not preclude Member States to agree and apply bilateral or multilateral agreements between them, in so far as such agreements would exceed and help to simplify or facilitate the procedures set out in this Directive.</u> The Presidency suggest to replace recital (25a), (25b) and (25c) with this redrafted recital. Article 8ab (L255f-i) would be deleted. A new recital (25b new) would be inserted
	Page 45-46			
	Recital 32a			
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</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</u>

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		<u>increase public confidence in the traffic law enforcement system and contribution it can make to improving road safety.</u>	PUBLIC	<u>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.