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IMPACT ASSESSMENT REPORT

Accompanying the document

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

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

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Glossary

Term or acronym	Meaning or definition
ADAC	Allgemeiner Deutscher Automobil Club (German Automobile Club)
ANPR	Automatic Number Plate Recognition
CARE	Community database on road accidents
CBE Directive	Cross-Border Enforcement Directive (Directive (EU) 2015/413)
EIO	European Investigation Order in criminal matters (Directive 2014/41/EU)
ETSC	European Transport Safety Council
EUCARIS	European car and driving licence information system
FD	Council Framework Decision 2005/214/JHA
FIA	Fédération Internationale d'Automobile (International Automobile Federation)
GDPR	General Data Protection Regulation (Regulation (EU) 2016/679)
IA	Impact Assessment
ISA	Intelligent Speed Assistance system
LED	Law Enforcement Directive (Directive (EU) 2016/680)
MLA Convention	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
PM	Policy measure
PO	Policy option
REFIT	Regulatory Fitness and Performance Programme
RESPER	EU driving licence network
UVAR	Urban Vehicle Access Restriction
VRD	Vehicle registration data

1. 1. INTRODUCTION: POLITICAL AND LEGAL CONTEXT

This Impact Assessment accompanies a legislative proposal for a directive amending **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** (hereinafter "the CBE Directive")[1].

The CBE Directive aims to improve road safety and to ensure equal treatment of drivers, namely resident and non-resident offenders. In the event of certain road-safety-related traffic offences having been committed with a vehicle registered in another Member State, it grants the Member State where the offence occurred access to the vehicle registration data (VRD) of the Member State of registration of the vehicle concerned. This should facilitate the identification of persons liable for a road-safety-related traffic offence in a Member State other than the one where the vehicle is registered, which is an important element in the cross-border enforcement of traffic offences. An effective cross-border enforcement ensures equal treatment of resident and non-resident offenders and improves road safety as it reduces impunity and hence induces a more cautious behaviour by the driver concerned. A more cautious behaviour should lead to fewer road accidents and hence a reduction in fatalities, injuries and material damage.

1.1. 1.1. Road safety policy context

Road safety in the EU has improved quite significantly over the last 20 years. The number of road fatalities has gone down by 61.5% from around 51,400 in 2001 to around 19,800 in 2021.

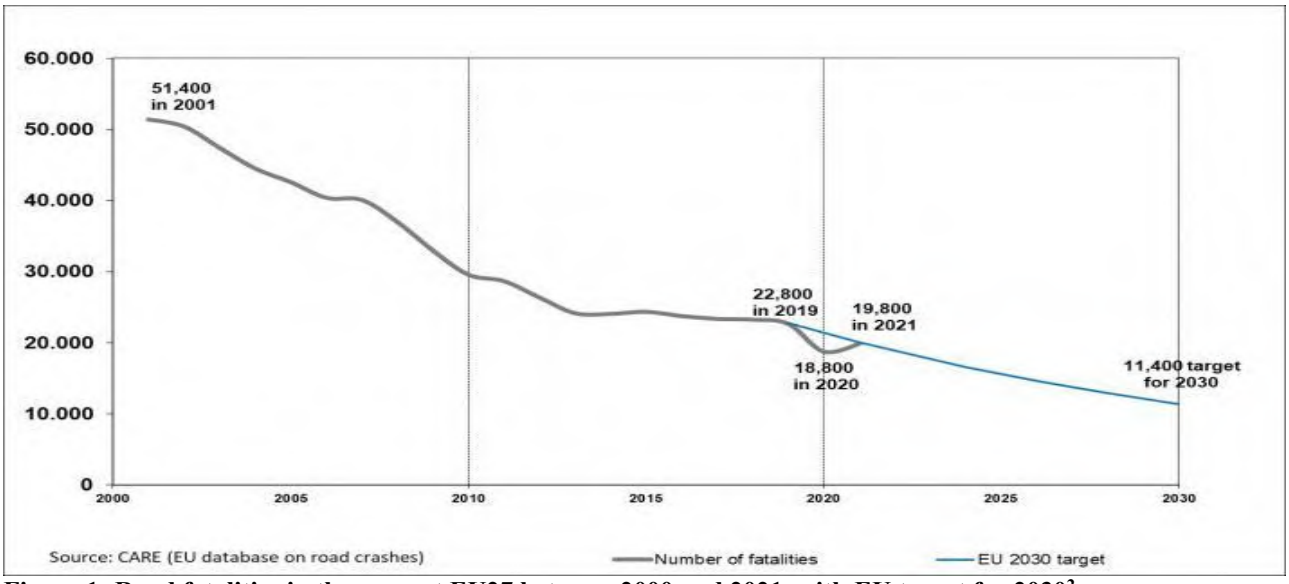


Figure 1: Road fatalities in the current EU27 between 2000 and 2021, with EU target for 2030[2]

The improvement in road safety has however not been strong enough to meet the EU's political ambitions. The *White Paper on European Transport Policy for 2010*[3] aimed at halving the number

[1] OJ L 68, 13.3.2015, p. 9.
[2] Source: https://transport.ec.europa.eu/2021-road-safety-statistics-what-behind-figures_en
[3] COM(2001) 370 final

of road deaths in the EU by 2010. To achieve this objective, the Commission adopted the 3rd European Road Safety Action Programme[4] in 2003, with a total of 62 proposed actions. One of those actions, intended to encourage road users to improve their behaviour, was to "*propose measures to strengthen checks and ensure the proper enforcement of the most important safety rules*". In 2004, the Commission adopted a recommendation on enforcement in the field of road safety[5], which among others called on Member States to assist one another and to share relevant information on offences committed in one Member State by drivers of vehicles registered in another Member State. The Commission committed itself to submit a proposal for a directive in case the recommendation was found not to be sufficiently effective to achieve the 50% reduction goal.

The 2006 mid-term review of the European Road Safety Action Programme makes the following observation: *"Many road traffic offences by non-residents of a Member State are currently not followed by legal action due to the lack of systematic cooperation between the administrative and police authorities in the Member States. In some countries which have a large volume of transit traffic, certain offences committed by non-residents may account for as much as 35% of the total number of infringements. Even the best results could therefore be better still with more transnational cooperation in the field of controls and penalties. This is obviously a European issue and one [...] that [we] need to tackle."*[6]

In 2008, the Commission adopted the legislative proposal[7] that led to Directive 2011/82/EU, the predecessor of the CBE Directive[8]. In the accompanying impact assessment[9], it is estimated that non-resident drivers account for about 5% of road traffic in the EU (in terms of vehicle-km) but that they commit around 15% of speeding offences. Hence, they are relatively more likely to commit speeding offences than resident drivers. One of the identified reasons for that was that non-residents perceived that they were less likely to be sanctioned when driving in a Member State where they did not reside and that they were less likely to face judicial action if they did not pay fines imposed by foreign authorities.

In 2010, still some 29,600 people lost their lives on the roads of the current 27 Member States (which was significantly above the target set in 2001). The Commission then adopted new policy orientations on road safety for the period 2011-2020, with the target of halving the overall number of road deaths in the EU by 2020 starting from 2010[10]. That target has however also been missed; in 2020, some 18,800 people were killed on the roads of the EU's current 27 Member States. Although that number was more than 17% below the corresponding number for 2019 – an impressive annual reduction rate which was however heavily influenced by an unprecedented drop in road traffic volumes in the wake of the COVID-19 pandemic[11] – it was still well above the target

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4 COM(2003) 311 final

5 Commission Recommendation of 6 April 2004 on enforcement in the field of road safety (2004/345/EC), OJ L 111, 17.4.2004, p. 75.

6 See section 3.1 of COM(2006) 74 final

7 COM(2008) 151 final

8 OJ L 288, 5.11.2011, p. 1; more information on that Directive and its links with the CBE Directive are provided in section 1.2 below.

9 SEC(2008) 351.

10 COM(2010) 389 final

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

value for 2020. Excessive or inappropriate speed is estimated to have caused 10-15% of all accidents and 30% of all fatal accidents.[12]

The slowdown in the reduction of the number of road deaths that set in around 2014 (see Figure 1 above) prompted the transport ministers of the EU to issue a ministerial declaration on road safety at the informal transport Council in Valletta in March 2017[13]. In that declaration, the Member States called upon the Commission to explore the strengthening of the Union's road safety legal framework to reverse that stagnating trend.

As part of its third Mobility Package of May 2018, the Commission issued "A Strategic Action Plan on Road Safety"[14] where it called for a new approach to counter the trend of stagnating road safety figures in the EU and move closer to the long-term goal of zero road fatalities in the EU by 2050 ("Vision Zero"). Among others, the Commission announced that it would *"start to assess options to improve the effectiveness of the directive on cross-border enforcement of traffic offences, on the basis of an evaluation carried out in 2016."*[15]

In June 2019, the Commission published the *EU Road Safety Policy Framework 2021-2030 – Next steps towards "Vision Zero"*[16]. In it, the Commission proposed new interim targets of reducing the number of road deaths by 50% between 2020 and 2030 as well as reducing the number of serious injuries by 50% in the same period, as recommended in the Valletta Declaration. It based that policy framework on the so-called "Safe System approach". The system considers death and serious injury in road collisions as largely preventable though the collisions will continue to occur. It accepts that people make mistakes and aims to ensure that such mistakes do not give rise to fatalities or serious injuries by holistically focusing on five pillars: *safe roads and roadsides, safe speeds, safe road users, safe vehicles,* and *fast and effective post-crash care,* which all contribute to reducing the impact of accidents. The cross-border enforcement of road-safety-related traffic offences is part of the "safe road users" pillar as it reduces the impunity of drivers of vehicles registered in other Member States, thus encouraging a behaviour which should be conducive to road safety.

In its Sustainable and Smart Mobility Strategy[17] of 2020, the Commission reiterated the target of zero fatalities in all modes of transport by 2050 and announced the revision of the Directive on cross-border enforcement of traffic rules under Flagship 10 *"Enhancing transport safety and security"*.

In October 2021, the European Parliament adopted a resolution on the EU Road Safety Policy Framework 2021-2030[18]. While the Parliament acknowledges the progress made since 2015, it also regrets that the existing legal framework laid down in the CBE Directive does not adequately ensure investigation in order to enforce penalties or recognition of decisions on penalties. It believes that better cross-border enforcement of road traffic rules would increase compliance and act as a deterrent, thereby reducing dangerous behaviour and improving road safety; it calls on the Commission to address those issues in the next review of the Directive.

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12 See: https://road-safety.transport.ec.europa.eu/system/files/2021-07/road_safety_thematic_report_speeding.pdf

13 See: https://eumos.eu/wp-content/uploads/2017/07/Valletta_Declaration_on_Improving_Road_Safety.pdf; in June 2017, the Council adopted conclusions on road safety endorsing the Valletta Declaration (see document 9994/17).

14 Annex I to COM(2018) 293 final (Europe on the Move. Sustainable mobility for Europe: safe, connected and clean)

15 More information on the evaluation referred to here is provided in section 1.2 below.

16 SWD(2019) 283 final

17 COM(2020) 789 final

18 P9_TA(2021)0407 https://www.europarl.europa.eu/doceo/document/TA-9-2021-0407_EN.pdf

Sustainable Development Goals

Improving road safety is a global policy objective. In the context of the United Nation's 2030 agenda for sustainable development, road safety is part of sustainable development goal #11 *"Make cities and human settlements inclusive, safe, resilient and sustainable"* and in particular target 11.2 *"By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons"*. Enforcement of the legislation on behavioural risks is among the core principles of the 2020 UN "Stockholm Declaration"[19].

1.2. 1.2. Legal context

The CBE Directive

The CBE Directive, adopted on 11 March 2015, includes all substantive provisions of Directive 2011/82/EU[20] which had been adopted under Article 87(2) TFEU *(police cooperation)* instead of under Article 91(1)(c) TFEU *(measures to improve transport safety)* and which was therefore annulled by the Court of Justice of the EU on 6 May 2014 in Case C-43/12[21]. When annulling Directive 2011/82/EU, the Court maintained its effects until the entry into force of a new Directive which was to happen within 12 months of the date of the judgment. The CBE Directive entered into force on 17 March 2015, thus providing for a seemless continuation of the application of the provisions of the annulled Directive 2011/82/EU, the transposition deadline of which had been 7 November 2013. In most Member States[22], the provisions of the CBE Directive were hence already to be applied since that date, not only since 6 May 2015, the transposition deadline of that Directive.

The CBE Directive aims to improve the protection of all road users by facilitating the cross-border exchange of information on road-safety-related traffic offences committed with a vehicle registered in a Member State other than the one in which the offence took place, and hence the enforcement of related sanctions. It applies to the following eight road-safety-related traffic offences: (1) speeding, (2) failing to use a seat belt, (3) failing to stop at a red traffic light, (4) drink-driving, (5) driving while under the influence of drugs, (6) failing to wear a safety helmet, (7) the use of a forbidden lane and (8) illegaly using a mobile phone or any other communication devices while driving.

As the CBE Directive helps to identify the owner/holder of a vehicle registered in a Member State other than the Member State in which an offence has been committed, it is of particular relevance for all offences detected with automatic or manual detection equipment (mostly cameras) where the offence is detected remotely (i.e. without stopping the vehicle and/or identification of the driver on

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[19] https://www.roadsafetysweden.com/contentassets/b37f0951c837443eb9661668d5be439e/stockholm-declaration-english.pdf

[20] Directive 2011/82/EU of the European Parliament and of the Council of 25 October 2011 facilitating the cross-border exchange of information on road-safety-related traffic offences, OJ L 288, 5.11.2011, p. 1.

[21] Case C-43/12 *Commission v Parliament and Council*; ECLI:EU:C:2014:298.

[22] All Member States but Ireland and Denmark (and the United Kingdom at the time). Those three Member States chose not to adopt and apply Directive 2011/82/EU in accordance with Articles 1 and 2 of Protocols No 21 and No 22 annexed to the TEU and the TFEU. This opt-out was no longer available under the revised legal basis of the CBE Directive, which the three Member States in question had to transpose by 6 May 2017, two years later than the other Member States and some 3.5 years after the corresponding provisions of Directive 2011/82/EU were to apply in the other Member States.

the spot). The overwhelming majority of road traffic offences are detected by automatic detection equipment (about 90% of speeding offences are detected by automatic speed cameras). On average, about 15% of automatically detected offences in the EU are committed by non-resident offenders, some 96% of which are speeding offences.[23]

Each Member State designates a competent authority as a national contact point which grants the national contact points of other Member States access to its national vehicle registration data, allowing them to conduct automatic searches on specific data related to vehicles and their owners or holders. The software application to be used for the automatic searches is the European Vehicle and Driving Licence Information System (Eucaris) that is also used for the exchange of vehicle registration data in the fight against terrorism or cross-border crime[24].

Once the person suspected of having committed a road-safety-related traffic offence has been identified, the Member State in which the offence was committed decides whether to initiate follow-up proceedings. If it decides to do so, the CBE Directive also determines the way in which the offence should be communicated to the person concerned and provides a (non-obligatory) template for the letter to be sent. The letter has to be sent in the language of the registration document of the vehicle (if that information is available) or in one of the official languages of the Member State of registration.

Some unintentionally committed road traffic offences by non-residents (e.g. because drivers are unaware of the speed limits) may be prevented by raising the awareness of citizens as regards the road safety traffic rules in force in the different Member States. To this end, Article 8 of the CBE Directive requires Member States to inform the Commission of those rules and the Commission to make them available on its website in all official languages.[25]

Evaluation of the CBE Directive

As required by Article 11 of the CBE Directive, in November 2016 the Commission submitted a report to the European Parliament and the Council on the application of the Directive[26]. The report was accompanied by the ex-post evaluation of the Directive[27]. The evaluation provided some useful indicators on a number of key aspects of the operation and impact of the CBE Directive.

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

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23 Cf. Ecorys et al. (2022): IA support study for the revision of the CBE Directive. Final Report.

24 Cf. Article 15 of Council Decision 2008/616/JHA of 23 June 2018 on the implementation of Decision 2008/615/JHA on the stepping-up of cross-border cooperation, particularly in combatting terrorism and cross-border crime, OJ L 210, 6.8.2008, p. 12. The same tools are also used for the exchange of information on those who fail to pay a road fee, and on their vehicles – see Directive (EU) 2019/520 of the European Parliament and of the Council of 19 March 2019 on the interoperability of electronic road toll systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union, OJ L 91, 29.3.2019, p. 45.

25 The Commission's "Going Abroad" website: https://ec.europa.eu/transport/road_safety/going_abroad/index_en.htm

26 COM(2016) 744 final

27 SWD(2016) 355 final

not enforced, which means that successfully enforced penalties were essentially due to voluntary payments.

The difficulties in cooperation between Member States in investigating road traffic offences and enforcement of sanctions after exchanging vehicle registration data, especially where different legal liability regimes are applied, is the main explanation for this. Nevertheless, such cooperation appeared successful between Member States which concluded bilateral or multilateral agreements complementing EU law[28]. The main results of the evaluation and how they have been taken into account in this impact assessment can be found in Table 1 below.

Table 1: Links between conclusions of the ex-post evaluation and the impact assessment

Main ex-post evaluation conclusions	Impact Assessment
Conclusions on relevance	
The Directive is relevant insofar as it covers the main road safety-related traffic offences. However, more offences may need to be added in the future, in line with increased means of automatic checking, e.g. not keeping sufficient distance with the vehicle in front, dangerous overtaking and dangerous or illegal parking.	An extension of the scope of the Directive is considered.
Vehicle registration data exchange under the Directive is unnecessary when the vehicle needs to be stopped in order to detect the offence, which is the case for drink- and drug-driving. These offences could therefore be taken out of the scope of the Directive.	Although it may not be strictly necessary from an enforcement perspective to keep drink- and drug-driving within the scope of the Directive, it is considered appropriate to keep these important offences, which kill thousands of people every year, in the scope of the Directive, to raise citizens' awareness of the related traffic rules in other Member States.
The CBE Directive is deemed relevant in raising awareness of the different traffic rules in the Member States.	The possibility of providing additional information to citizens, in particular on sanctions and appeal procedures, is being considered.
Conclusions on effectiveness	
The CBE Directive improved the cross-border enforcement of sanctions, particularly in those Member States which actively implemented it. The electronic information system provides for an effective, expeditious, secure and confidential exchange of vehicle registration data and does not generate an unnecessary administrative burden. The number of investigated cases has increased manyfold once the provisions of the Directive started applying. The Directive has reduced discrimination between resident and non-resident offenders. The deterrence effect of the CBE Directive and hence its impact on road safety could however be stronger if not only around 50% of all investigated cases had a successful follow-up and ended up with the financial penalty being paid (in most cases voluntarily).	In order to improve the effectiveness of the Directive, the IA looks at measures aiming to streamline mutual assistance and recognition procedures between Member States in the cross-border investigation of road safety-related traffic offenses and the cross-border enforcement of financial penalties.
Conclusions on efficiency	

[28] E.g. the CBE Agreement of the Salzburg Forum, the Nordic police cooperation on border control and cross border crime and the bilateral agreements between Germany and Austria, between France and Belgium and between Germany and the Netherlands.

Main ex-post evaluation conclusions	Impact Assessment
The costs related to the cross-border exchange of vehicle registration data and follow-up procedures under the CBE Directive are moderate and usually offset by the revenue generated by the payment of fines. The evaluation concludes that alternative systems (bilateral/multilateral agreements) would be more costly, as well as less effective.	The cost effectiveness of the cross-border exchange of vehicle registration data in the case of road-safety-related traffic offences committed by non-residents increases with a higher share of financial penalties being paid. The IA proposes ways to improve the follow-up procedures in investigations and enforcement of the sanctions.
Conclusions on coherence	
The CBE Directive is internally coherent (specific objectives of raising awareness of traffic rules and facilitating the cross-border enforcement of offences reinforce each other) and complements other EU legal acts which also aim at influencing the behaviour of drivers of motorised vehicles with a view to improving road safety (e.g. Directive 2006/126/EC on driving licences).	The IA does not intend to address the issue of mutual recognition of driver disqualification between Member States (a driver resident in one member State losing his or her right to drive a vehicle because of an offence committed in another Member State), as this should be dealt more appropriately in the context of Directive 2006/126/EC on driving licences.
Conclusions on EU added value	
The CBE Directive brings EU added value by providing a harmonised framework for the exchange of vehicle registration data between Member States. This could not be ensured in the same way by existing bilateral or multilateral agreements. The harmonised EU-wide framework of the CBE Directive is the only one that can ensure equal treatment of EU citizens.	EU action continues to be needed to deliver on the policy objectives.

Different legal liability regimes in Member States

The CBE Directive facilitates the exchange of vehicle registration data (VRD) between Member States. However, even if that exchange worked accurately, it often offers too little evidence to successfully investigate the offender. This is among others due to different legal liability regimes being applied in Member States:

1. **Owner/holder liability regime.** A penalty is issued to the vehicle owner/holder, based on information included in the VRD, unless the vehicle owner/holder provides information on the actual offender i.e. the driver, who is personally liable for the offence;
2. **Strict owner liability regime.** Although the actual offender is identified, the payment of the financial penalty may be requested indistinctly from the vehicle owner/holder or the actual offender, even if the vehicle owner/holder identifies the actual offender;
3. **Strict driver liability regime.** A penalty is issued only to the driver (the actual offender). In cases where an offence is detected remotely by using automated/manual checking equipment (e.g. when the driver is not identified on the spot), the actual offender has to be identified from the picture produced by the equipment in order to issue a financial penalty.

Especially in Member States which apply a strict driver liability regime, only the actual offender can be held liable for the offence. For these Member States, the CBE Directive provides too little evidence to follow-up detected offences, as it allows only the identification of the vehicle owner/holder (via vehicle registers) who is not necessarily the driver having committed the offence. For example, enforcement authorities in Sweden have to provide evidence that the presumed offender (the vehicle owner/holder) was the driver of the vehicle with which the offence was committed. They cannot require the vehicle owner/holder to identify the actual offender because this would contradict the privilege against self-incrimination foreseen by their national legislation.

Besides Sweden, Germany also applies a strict driver legal liability regime. Contrary to this, in some Member States (e.g. Hungary), the vehicle owner/holder is liable for certain offences covered by the CBE Directive, even if he/she claims that he/she was not the driver, and in some extreme cases even if he/she is able to name the actual offender, but cannot prove its identity with legally binding documentation.

Other EU instruments linked to the cross-border investigation and enforcement of offences

The CBE Directive provides a cooperation tool facilitating certain steps in the cross-border enforcement of sanctions for road-safety-related traffic offences. However, it harmonises neither the nature of the offences nor the sanction schemes for the offences, where the national rules in the Member State of offence apply. In some cases, as mentioned above, additional evidence needs to be exchanged for a successful investigation. Cross-border investigation procedures aimed at, inter alia, collecting additional evidence to identify the driver who has committed the offence may be covered by additional instruments, most of which are however tailored to the cross-border investigation of *criminal* offences and are not much used for the investigation of *administrative* offences.

- The Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union (**MLA Convention**)[29]

The MLA Convention establishes a system of Mutual Assistance in Criminal Matters between the Member States of the EU. Mutual assistance shall apply where the decision may give rise to proceedings before a court having jurisdiction in criminal matters. A certain level of procedural protection of the potential offender is offered under the MLA Convention. It requires that the important parts of a procedural document must be translated into the language(s) of the Member State on the territory in which the addressee is staying.

- The **European Investigation Order** in criminal matters (EIO)[30]

Directive 2014/41/EU regarding the European Investigation Order in criminal matters replaced to a major extent the MLA Convention and it is the main legal tool to gather cross-border evidence. It provides for a judicial decision issued or validated by a judicial authority of a Member State ('the issuing State') to have one or several specific investigative measure(s) carried out in another Member State ('the executing State') to obtain evidence. The procedures that EIO uses, together with its safeguards, are perceived as cumbersome for investigating the high number of (minor) road traffic offences that are often qualified as administrative.

- Council **Framework Decision 2005/214/JHA** on the application of the principle of mutual recognition to financial penalties[31]

Framework Decision 2005/214/JHA is the EU instrument for the mutual recognition of the Member States' administrative or judicial decisions on financial penalties issued by a foreign authority. It applies to all criminal offences. For certain offences, the double criminality principle[32] is lifted, i.e.

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[29] Council Act of 29 May 2000 establishing in accordance with Article 34 of the Treaty on European Union the Convention on Mutual Assistance in Criminal Matters between the Member States of the European Union, OJ C 197, 12.7.2000, p. 1.

[30] 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.

[31] 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.

[32] The alleged offence must be categorised as a criminal offence in both the issuing State and the executing State.

these offences give rise to recognition and enforcement, if they are punishable in the issuing State and defined by the law of the issuing State. Road traffic offences are specifically mentioned among such offences ("conduct which infringes road traffic regulations").

- The so-called "**Prüm Decisions**" on stepping up cross-border cooperation, particularly in combatting terrorism and cross-border crime[33]

Council Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combatting terrorism and cross-border crime, and Council Decision 2008/616/JHA on the implementation of Decision 2008/615/JHA contain rules for operational police cooperation and information exchange between authorities responsible for the prevention and investigation of criminal offences. They notably lay down the conditions and procedures for the automated transfer of DNA profiles, dactyloscopic data and certain national vehicle registration data. A proposal for a Regulation on automated data exchange for police cooperation ('Prüm II'), adopted on 8 December 2021[34], among others suggests adding facial images of the suspects to the data categories which can be exchanged. The inter-institutional negotiations on that proposal are still ongoing.

Link of these instruments to the CBE Directive, and their limitations in use for road safety traffic offences

In some cases, the investigation mechanism put in place in the CBE Directive does not allow the identification of the presumed offender due to information on the vehicle owner/holder in the national VRD not being available, accurate or up-to-date, or due to the impossibility of identifying the offender through the simple exchange of VRD, e.g. in cases where a strict driver liability regime applies in the Member State where the offence has been committed. In such cases, the authorities need to rely on other EU legal instruments for judicial cooperation in criminal matters, such as using an **MLA request** or initiating the procedures under the **European Investigation Order**. However, these instruments are not tailored to investigate millions of remotely detected road-safety-related traffic offences under the CBE Directive, since they are designed to facilitate investigation procedures under criminal matters and they require certain procedural safeguards that are perceived to be cumbersome by administrative authorities for the investigation of relatively "minor" road traffic offences. More than 60% of Member States indicated in targeted consultations that they do not use the MLA Convention or the EIO in the context of the cross-border investigation of road-safety-related traffic offences. The rest of the authorities seem to use these instruments only for the investigation of road accidents, especially when there are fatalities or serious injuries.

As regards the **Framework Decision 2005/214/JHA,** while it facilitates the cross-border enforcement of financial penalties in general, through mutual recognition of financial penalties imposed for road traffic offences, it gives rise to difficulties. These are related to the heterogeneous nature of road traffic offences in Member States and due to some characteristics of the judicial cooperation instrument. For example, when financial or administrative authorities deal with road traffic offences – regardless of whether these offences are qualified as administrative or criminal –

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[33] Council Decision 2008/615/JHA of 23 June 2008 on the stepping up of cross-border cooperation, particularly in combatting terrorism and cross-border crime, OJ L 210 , 6.8.2008, p. 1; and Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA, OJ L 210, 6.8.2008, p. 12.

[34] COM(2021) 784 final

not respecting procedural guarantees applying to criminal offences may lead to a refusal of the decisions. Another issue of the application of the Framework Decision to road traffic offences is linked to the existence of different legal liability regimes. The existence of varying liability regimes can lead to the recognition being refused in situations where the decision of the issuing Member State is based on vehicle owner/holder liability (i.e. the owner/holder of the vehicle with which an offence was committed can be fined) while the executing State applies strict driver liability. Some of the grounds for non-recognition may also play a significant role in practice when dealing with road traffic offences. For example, Article 7(2)(h) of the Framework Decision allows an executing Member State to not recognise a decision if the financial penalty is below EUR 70. Since many road traffic offences are sanctioned with a smaller financial penalty, a follow up is not guaranteed.

With respect to the **Prüm Decisions**, the CBE Directive relies on the already existing legal basis for the EUCARIS[35] application to exchange VRD. Article 4 of the CBE Directive requires that searches be conducted in compliance with the procedures as described in Decision 2008/616/JHA. The current provisions in the CBE Directive limit the exchange of data (and hence the use of EUCARIS) to a specific set of information contained in the VRD, as specified in Annex I to the CBE Directive, which is not always sufficient to investigate road traffic offences (e.g. when the owner/holder was not the driver and information on the actual driver is required).

Other EU instruments dealing with driver behaviour

The CBE Directive mainly helps in the cross-border enforcement of financial penalties. Financial penalties alone are usually inflicted for relatively minor road-safety-related traffic offences. Major road-safety-related traffic offences committed domestically (i.e. in the Member State that issued the driving licence to the offender) usually lead to a change of the offender's record in the national penalty point system and/or to the suspension of the driving licence (driving disqualification) in addition to a hefty fine. When major road-safety-related traffic offences are committed in a Member State other than the one that issued the driving licence, then EU law does currently not foresee a compulsory recognition of penalty points or driving disqualification in the Member State that issued the licence. The principle of territoriality of criminal and police laws only allows a driver disqualification in the territory of the country where he or she committed a serious traffic offence while other countries do not have to recognize and enforce such a decision on their respective territory which means that the driver concerned may be able to continue to drive in other countries[36]. However, some bilateral agreements cover a mutual recognition of driving disqualification[37].

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35 EUCARIS is an information exchange system that provides an infrastructure and software to member countries to share, among others, relevant information in the area of road traffic. It ensures that the central vehicle and driving licence registers of the Contracting Parties to the EUCARIS Treaty are accurate and reliable; it assists in preventing, investigating and prosecuting offences against the laws of individual States in the field of driving licences, vehicle registration and other vehicle-related fraud and criminality; and it provides rapid exchange of information. The Contracting Parties agreed to allow each other access to their respective central vehicle registers and central driving licence registers concerning specific data sets considered useful for the application of the Treaty. The European Commission is not a Contracting Party to the Treaty (i.e. the European Commission is not involved in the exchanges between Member States through EUCARIS).

36 Cf. also judgment in case C-266/21; ECLI:EU:C:2022:754.

37 E.g. between Ireland and the United Kingdom: https://www.rsa.ie/services/licensed-drivers/mutual-recognition-of-disqualifications-ireland-and-uk

Thematically this subject falls within the scope of Directive 2006/126/EC on driving licences[38] which already today contains "various provisions concerning the exchange, the withdrawal, the replacement and the recognition of driving licences"[39]. A revision of that Directive is being prepared in parallel to the revision of the CBE Directive. For reasons of consistency, the issue of a mutual recognition of driving disqualification is to be addressed in the context of that revision.

[38] OJ L 403, 30.12.2006, p. 18.
[39] Article 11 of Directive 2006/126/EC.

2. 2. PROBLEM DEFINITION

The evaluation of the CBE Directive of 2016 found that the significant potential of the Directive to improve road safety could be better realized if the impunity of non-resident drivers was further reduced by increasing the effectiveness of the Directive.

There is a clear **link between the enforcement of road traffic rules and road safety**, irrespective of whether road traffic offences are committed by residents or non-residents. A recent ETCS PIN Flash Report[40] suggests that sustained intensive enforcement of traffic rules that is well explained and publicised has a long-lasting effect on driver behaviour. When drivers perceive the chance of being detected as being sufficiently high, they will avoid committing road traffic offences, which in turn improves road safety (the most common offence, speeding, is a factor in around 30% of all fatal crashes in the EU). The enforcement of road traffic rules is a key element of the "Safe System" approach as it directly impacts the "safe road users" pillar of that approach. National road safety strategies usually encompass enforcement measures to reduce the number of fatalities and serious injuries.

A reduction in road traffic offences contributes to decreasing the number of road accidents in all countries. An estimate for Norway (Elvik 1997[41]) and the ESCAPE report[42] suggest that if 16 of the most frequent road traffic offences were eliminated, the number of road accident fatalities could be reduced by 48% and the number of injured could be reduced by 27%. Estimates for Sweden (Elvik, Amundsen 2000[43]) indicate that the number of road accident fatalities could be reduced by 63% and the number of injured by 37% if violations of road traffic rules did not occur.

Furthermore, another study by Elvik et al. of 2015[44] found that a 1% increase in the level of speed enforcement (hours speed cameras are activated) is associated with a 0.6 to 0.7% decrease in the number of road accidents.[45]

A study by Alonso et al. conducted in Spain in 2012[46] found that about 60% of randomly selected road users said that they changed their speeding habits after being caught speeding and being fined for it.[47] Effective enforcement of road-safety-related traffic rules can hence improve driver

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40 ETSC (2022): How Traffic Law Enforcement Can Contribute to Safer Roads. PIN Flash Report 42 https://etsc.eu/wp-content/uploads/ETSC_PINFLASH42_v2TH_JC_FINAL_corrected-060522.pdf

41 Elvik, R. (1997): Vegtrafikklovgivning, kontroll og sanksjoner. Potensialet for å bedre trafikksikkerheten og nytte-kostnadsvurdering av ulike tiltak. TØI notat 1073. Oslo, Transportøkonomisk institutt

42 Mäkinen, T., Zaidel, D. M. et al. (The „Escape" Project, 2003): Traffic enforcement in Europe: effects, measures, needs and future. Technical Research Centre of Finland (http://virtual.vtt.fi/virtual/proj6/escape/escape_d10.pdf)

43 Elvik, R., Amundsen, A. H. (2000): Improving Road Safety in Sweden. An Analysis for Improving Safety, the Cost-Effectiveness and Cost-Benefit Ratios of Road Safety Measures. Oslo, Institute of Transport Economics (https://www.toi.no/getfile.php?mmfileid=10771)

44 Elvik, R. (2015): Methodological guidelines for developing accident modification functions. Accident Analysis & Prevention 80(3), 26-36 (https://www.sciencedirect.com/science/article/pii/S0001457515001232?via%3Dihub).

45 For the purposes of this impact assessment, this effect has been scaled down because foreign road users only account for a subset of all road fatalities in the EU and because they mostly use relatively safer roads (motorways). The effect of Elvik (2015) is reduced to a 0.1% reduction in the number of road accidents due to the route choice of foreign registered vehicles and is only applied to 10% of all accidents involving such vehicles (cf. Annex 4 below).

46 Alonso, F., Esteban, C., Calatayud, C. & Sanmartín, J. (2013). Speed and road accidents: Behaviors, motives, and assessment of the effectiveness of penalties for speeding. American Journal of Applied Psychology, 1(3), p. 58-64.

47 This finding has been used in this impact assessment. It has been assumed that driving behaviour will remain unchanged in the first year of implementation of the proposed measures (2025). However, 60% of drivers who commit an offence in the 1st year are assumed to change their behaviour in the 2nd year (and continue to drive safely

behaviour. In the case of road traffic offences committed with vehicles registered abroad, non-resident drivers are not expected to adapt their behaviour unless they are also punished / their impunity is reduced / removed.

The inadequate application of enforcement measures to non-resident drivers due to the lacking effectiveness of the CBE Directive leads to more road accidents (and related consequences in terms of fatalities, injuries and material damage) than would otherwise be the case. It is estimated that foreign road users are, on average, engaged in 10% of all fatal road accidents[48], although they account only for around 5% of total traffic volume.

It is therefore important that the effectiveness of the CBE Directive be increased. Some shortcomings of the Directive are of a structural nature which can only be addressed through a revision of the Directive. They are related to its scope, to deficiencies in the identification of the offender and to deficiencies in the follow-up procedures of cross-border investigations of road-safety-related traffic offences and their enforcement.

At the same time, some issues related to the protection of fundamental rights of presumed non-resident offenders should also be addressed. The Commission has received a number of complaints from citizens on issues related to appeal procedures, missing evidence, late delivery of information letters / penalty notices, missing translations and problems in accessing specific information including on financial penalties. These complaints indicate that there may be a need to better protect the fundamental rights of non-resident offenders.

The problems, their drivers and effects are summarised in Figure 2 below.

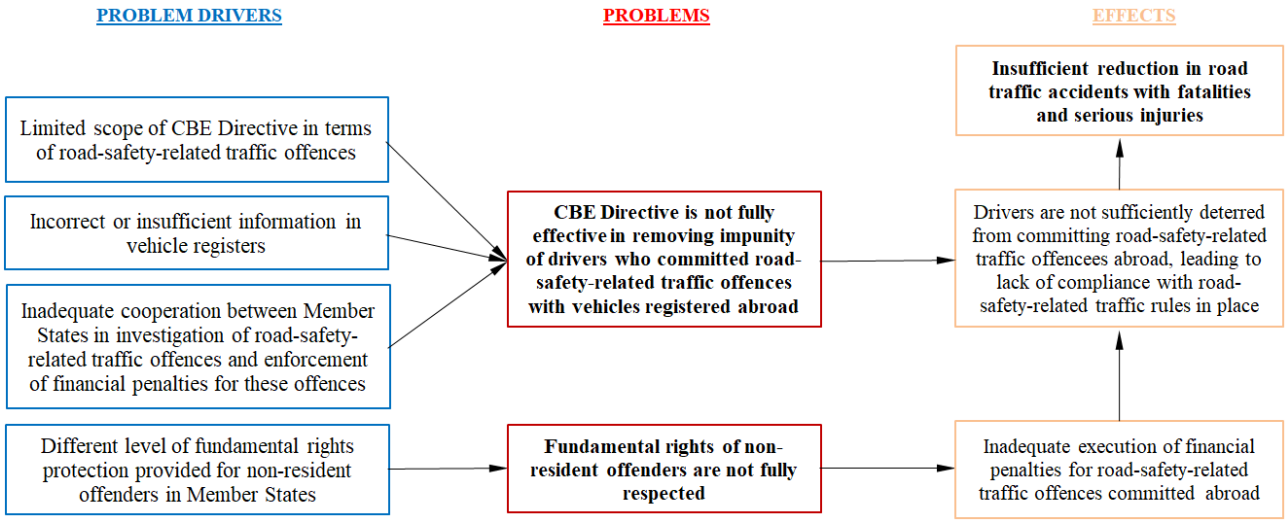


Figure 2: Problem tree

thereafter). No additional drivers are assumed to adapt their behaviour from the 2nd year onwards (cf. Annex 4 below).

48 Source: CARE database.

2.1. 2.1. What are the problems?

Problem 1: The CBE Directive is not fully effective in removing impunity of drivers who committed road-safety-related traffic offences with vehicles registered abroad

The main objective of the CBE Directive is to improve road safety by facilitating the enforcement of road-safety-related traffic offences across borders and hence removing the impunity of drivers who commit the offences in a Member State other than that in which the vehicle is registered. Unless they are also punished / their impunity is reduced / removed, non-resident offenders are not expected to adapt their behaviour. Equal treatment demands that non-resident offenders face the same consequences for their behaviour as resident offenders.

It is estimated that on average around 15% of all remotely detected speeding offences in EU Member States are committed with vehicles registered in another country[49], while those vehicles account for only about 5% of total traffic. There are significant variations between transit countries and popular holiday destinations on one side (foreign-registered vehicles account for 20% of all remotely detected speeding offences in FR and for 42% in LU) and peripheral and/or island countries on the other (the corresponding share is 3% in PT and just 1% in FI).

Effective enforcement only works if the offences are properly detected, investigated and sanctioned and if the sanctions are also enforced. At the **detection** stage, if a road traffic offence is not detected or insufficiently detected, the offender will escape the justice with no effect on their behaviour in a way that would improve road safety. The evaluation of the CBE Directive has found that too many offenders still go unpunished. This is the case also for offences which are not covered by the Directive and for which the instruments provided by the Directive can therefore not be used.

It is also clear that more controls and a higher number of automatic detection equipment lead to increased detection of the offences which contributes to lower impunity of road traffic offenders, including drivers of vehicles which are registered in another Member State. The CBE Directive does not prescribe a certain control intensity, nor does it prescribe how Member States have to control compliance with the applicable road traffic rules, as this is perceived by the stakeholders as the competence of Member States authorities. The CBE Directive plays a vital role only in the stage once a road-safety-related traffic offence has been detected remotely.[50]

The main strengths of the CBE Directive arguably lie in the **investigation** stage. Once a road traffic offence has been detected remotely by automatic or manual detection equipment which recorded the registration number of the vehicle with which the offence was committed, the CBE Directive ensures effective exchange of VRD. This means that the competent authorities of the Member State where the offence was committed have access to relevant vehicle registration data of the Member State of registration of the vehicle. This allows identifying the vehicle holder/owner. The CBE Directive then provides a template for the information letter/the penalty notice which should be sent

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[49] Source: Ecorys et al. (2022). Estimate based on actual data from 15 EU Member States. This concurs with the findings of the impact assessment for the original CBE Directive (SEC(2008) 351).

[50] This notwithstanding, the EU is also actively supporting activities of police authorities aimed at improving compliance control with the road traffic rules in place, including at the detection stage (e.g. in the context of ROADPOL, the European Roads Policing Network (https://www.roadpol.eu)), and is expected to continue to do so in the future.

to the presumed offender. In case the financial penalty is not paid voluntarily, it needs to be enforced.

The **enforcement** is based on other instruments such as Council Framework Decision 2005/214/JHA, which provides for the mutual recognition of financial penalties between Member States, or bilateral agreements between (mostly neighbouring) Member States or multilateral agreements such as the CBE Agreement of the Salzburg Forum[51].

For the offences which are covered by the CBE Directive, estimates based on information reported from some Member States suggest that about 20% of registered road-safety-related traffic offences committed with a foreign vehicle fail at the investigation stage because the non-resident offender could not be identified[52]. About 70% of the cases where a penalty notice is sent to the presumed offender result in a voluntary payment of the fine. The remaining 30% of penalty notices need to be enforced. This is easier said than done. Information provided by Member States suggest that only about 5% of all cases subject to enforcement could be successfully enforced; the remaining 95% are not enforced and the offender goes unpunished.

In 2019, some 14.5 million traffic offences have been detected where the vehicle was registered in another Member State and the driver was not identified on the spot. Out of this total, around 8.2 million payments for offences were made (8 million voluntarily, some 200,000 following successful enforcement). Around 6.3 million offences resulted in the offender not being held accountable. Some 43% of cross-border offences were hence committed with impunity, which is relatively high, in particular compared to the (general level of) impunity for comparable offences (mostly speeding detected by speed cameras) in Member States, which ranges from 5% in the most successful countries (NL, SE, PL) to 10-20% on average (LU, LV, IE, ES, EE, HU) [53].

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[51] The CBE Agreement of the Salzburg Forum has been signed by Bulgaria, Croatia, Hungary and Austria. It uses the framework established by the CBE Directive and also includes cooperation in cross-border enforcement of traffic offences. (http://www.salzburgforum.org/Treaties_and_Agreement/CBE_Agreement.html)

[52] 10% of investigations are estimated to fail due to technical issues and 10% due to legal issues (e.g. investigating the address of presumed offender, requiring additional verification of the identity of the offender/driver by exchanging evidence – pictures from detection equipment – to compare them with a photo of the vehicle owner/holder which is normally not available in a vehicle register, but other registers such as driving licence registers or passport/ID registers, that is subject to cumbersome mutual assistance procedures).

[53] ETCS (2022): How Traffic Law Enforcement Can Contribute To Safer Roads, PIN Flash Report 42, March 2022 https://etsc.eu/wp-content/uploads/ETSC_PINFLASH42_v2TH_JC_FINAL_corrected-060522.pdf

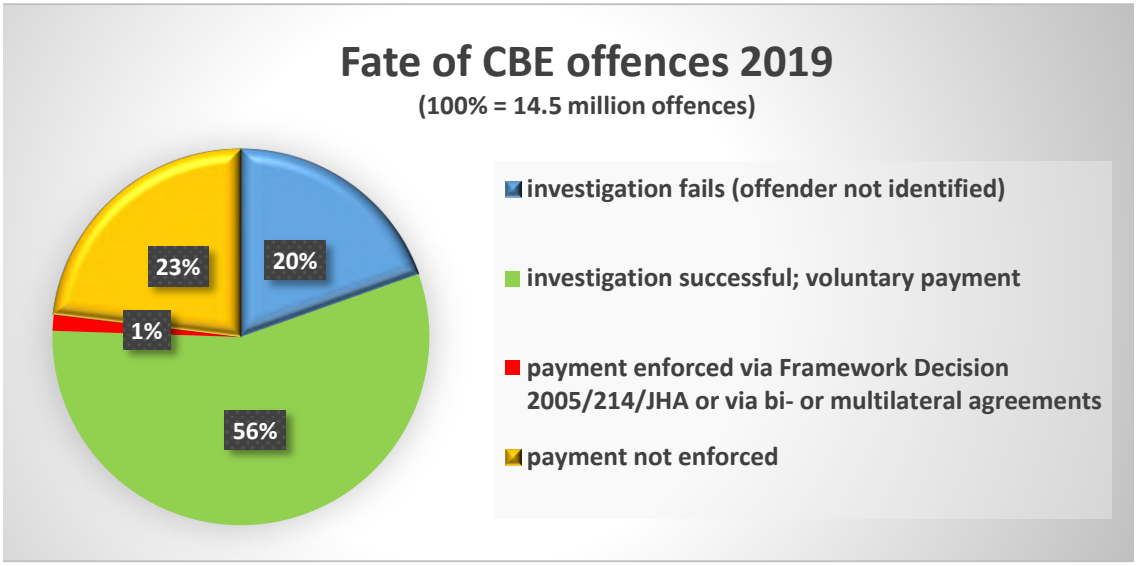


Figure 3: Fate of CBE offences in 2019[54]

Table 2: Cross-border offences detected, investigated and enforced (in million)

	2019
Number of detected offences	14.5
Number of successfully investigated offences	11.5
Number of voluntary payments	8.0
Number of sanctions that need enforcement (no voluntary payment)	3.4
Number of successfully enforced sanctions	0.2
Number of unsuccessfully enforced sanctions	3.3
Number of failed investigations	3.0
Total number of payments made	8.2
Total number of offences where offender is not held accountable	6.3
Share of offences committed with impunity	*43.3%*

Source: Ecorys et al. (2022), Impact Assessment support study

Stakeholders consulted in the targeted consultation concurred that the impunity of the drivers who committed road-safety-related traffic offences with vehicles registered abroad is a problem and more than half (54%) indicated that drivers in foreign registered vehicles are more likely to commit a traffic offence while 25% said they didn't know or had no opinion, and more than one fifth (21%) disagreed. When asked to comment on the reasons behind their opinion, around half of them mentioned a feeling of impunity. More than 20% respondents also stated that unawareness of local traffic rules might result in drivers unintendedly not complying with the road safety rules.

Problem 2: Fundamental rights of non-resident offenders are not fully respected

When the information letter / the penalty notice is sent to the presumed non-resident offender and during subsequent follow-up procedures, certain fundamental rights have to be respected. Non-residents cannot be expected to be familiar with the procedures in administrative/criminal matters and applicable sanctions for violations of road-safety-related traffic rules of other Member States; therefore they should be informed of them.

[54] Source: Ecorys et al (2022): Impact Assessment support study for the revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences.

Moreover, the information letter and any follow-up communication, until the stage of appeal before a court, when Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings applies, should be in a language which the presumed non-resident offender can understand. Article 5(3) of the CBE Directive requires the Member State in which the offence was committed to send the information letter in the language of the registration document of the vehicle (if available) or in one of the official languages of the Member State where the vehicle with which the offence was committed is registered. It appears that the template of the information letter provided in Annex II to the CBE Directive is hardly ever used and, when it is used, that the provided additional information is not always (or often only badly) translated. Moreover, the applicable language regime is not adhered to in the follow-up procedures. Overall, it is estimated that 15% of all information letters / penalty notices sent abroad do not contain adequate information or are issued in an incorrect language.

For presumed offenders it is often not possible to verify whether an information letter / a penalty notice is real or whether it is fake. Especially when these documents are sent by a private party (such as a debt collection / recovery company), the presumed offender is often faced with a situation where it is not easy to verify the authenticity of the document.

Issues have also been reported in relation to the delivery of the information letters / penalty notices that are linked to the deadlines for their submission to non-resident offenders. In some cases, these documents have been received very late, which didn't allow, inter alia, non-resident offenders to appeal or benefit from possible discounts for early payment of the fine.

Stakeholders such as road user associations (FIA, EAC and ÖAMTC) indicated in the consultations that the content and information presented in information letters should be improved, and that more information on local road traffic rules should be actively communicated to (non-domestic) road users. Furthermore, they were of opinion that the deadlines for delivery of information letters (to non-resident offenders) should be harmonised across Member States, and more information should be provided on follow-up procedures (such as the start and end of the deadline for appeals).

As regards the protection of fundamental rights, public authorities considered that stricter requirements can and should be laid down in the CBE Directive for the content of information letters / penalty notices. However, some stakeholders claimed that most information letters / penalty notices are already translated and authenticated, while road user organisations FIA and ADAC indicated that, although the situation has been improving over the past years, a lot of these documents are still only poorly translated (for example using automated online translation) or not translated at all. In the public consultations, matters related to the information available to road users on road-safety-related traffic rules were judged as being very relevant. Almost 90% of the respondents indicated that they find it 'important' or 'very important' that the driver has access to relevant information in the language that the driver speaks or understands. There seems to be wide support among respondents for the right to information on appeal procedures, information on how to pay the fine and concerning the language regime of all official notifications. Most respondents agreed that the driver should enjoy all these rights.

The protection of personal data processed under the CBE Directive is a core element of it. In this context, the current Directive refers to Directive 95/46/EC and does not reflect the recent revision

and expansion of the EU's data protection rules through the GDPR and the LED[55]. To take account of those changes and to cover the applicable rules in proceedings related to administrative offences and in proceedings related to criminal offences, the Directive should be adapted accordingly.

2.2. 2.2. What are the problem drivers?

Several drivers could be identified for the relatively **low effectiveness of the CBE Directive**:

Problem driver 1: Limited scope of CBE Directive in terms of road-safety-related traffic offences

The possibility to use EUCARIS which allows accessing the vehicle registers of other Member States is strictly limited to the eight road-safety-related traffic offences which fall within the scope of the CBE Directive[56]. Technological developments allow for the remote detection (usually by sensors and cameras) of other road-safety-related offences where the offender is not identified on the spot. In case the vehicle is registered in another Member State, the competent authorities may still use the EUCARIS system to identify the vehicle holder/owner, however not under the CBE Directive, but rather under other frameworks such as bilateral or multilateral agreements (such as the CBE Agreement of the Salzburg Forum). This leads to a fragmentation of rules in the EU with the consequence that not all EU citizens are treated in the same way. In fact, offenders residing in Member States which are not Contracting Parties to such bilateral or multilateral agreements do not have to fear any investigation and enforcement of their offences.

The road-safety-related traffic offences which currently do not fall within the scope of the CBE Directive and which can be detected remotely include several kinds of dangerous driving behaviour such as: not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing solid white lines and driving in the wrong direction. The use of overloaded vehicles is increasingly detected by weigh-in-motion (WIM) sensors placed under the road surface (or by measuring other parameters of vehicles) and cameras with automatic number plate recognition (ANPR) technology which take a picture of the number plate of the vehicle concerned. The CBE Directive already covers the most frequent road-safety-related traffic offences (speeding being the most commonly detected offence). It is estimated that six additional offences – not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing solid white lines, driving in the wrong direction and driving an overloaded vehicle would increase the number of detected offences covered by the CBE Directive by around 2%.

Regarding the scope, the evaluation concluded that the CBE Directive could be made more relevant by including a larger set of road-safety-related traffic offenses which could benefit from the instruments provided by it. Most public authorities also argued that extending the scope of the Directive would provide a mechanism to follow-up on more offences, strengthening the overall cross-border investigation systems of Member States, and hence lead to a higher level of road safety.

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[55] GDPR (General Data Protection Regulation): Regulation (EU) 2016/679 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data (General Data Protection Regulation), OJ L 119, 4.5.2016, p. 1;
LED (Law Enforcement Directive): Directive (EU) 2016/680 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, OJ L 119, 4.5.2016, p. 89.

[56] (1) speeding; (2) failing to use a seat belt; (3) failing to stop at a red traffic light; (4) drink-driving; (5) driving under the influence of drugs; (6) failing to wear a safety helmet; (7) the use of a forbidden lane; (8) illegally using a mobile telephone or any other communication devices while driving.

Most public authorities are in favour of extending the scope of the CBE Directive, as confirmed during the expert workshop. They argued that it would provide a mechanism to follow-up on more offences, strengthening the overall cross-border investigation systems of Member States, ultimately leading to a higher level of road safety. Although some bilateral agreements already have a broader scope than the CBE Directive, including these offences under the CBE Directive would allow for the exchange of relevant information between Member States more efficiently and consistently than is currently the case. Moreover, Member States in favour of an extension of the scope of the Directive argued that it would increase fairness, through equal treatment of residents and non-residents. Road user organisations in general welcomed the inclusion of other offences in the scope of the Directive, but were concerned about the extension of the scope to UVAR-related offences which they considered very time- and place-specific, with often different rules applied to vehicles registered abroad, such as the need to pre-register the vehicle. Research organisations were in favour of including all road traffic offences that have a link to road safety. More detailed overview of the proposed scope extensions by Member State and stakeholders is provided in Annex 2.

Problem driver 2: Incorrect or insufficient information in vehicle registers

It is estimated that around 20% of all investigations fail because of technical or legal issues. In some cases, the requests for data exchange via EUCARIS fail because national vehicle registers do not contain all the necessary information or because they are not up to date. The identification of the vehicle owner/holder at the time of the offence may not be possible in case the vehicle holder/owner changes and the information on the previous holder/owner is no longer stored in the register. In the case of leased vehicles, additional information on the vehicle end user/keeper, the (long-term) lessee using the vehicle, is contained in some national vehicle registers but not in others. When such information is available, it should be disclosed and used, which is currently not possible under the CBE Directive.

In the stakeholder workshops, several Member States pointed out that while data exchange amongst them in general worked well, there remained some issues, for example in the case where information exchanged through EUCARIS did not contain sufficient data and therefore it did not allow the police to send out an information letter to the presumed offender. In the Member States' survey, 65% of respondents said that the registries are updated on a day-to-day and automatic basis.

Problem driver 3: Inadequate cooperation between Member States in investigation of road-safety-related traffic offences and enforcement of financial penalties for these offences

It may happen that the address of the vehicle owner/holder in the vehicle register is not correct. In such a case it would be useful to launch a specific mutual assistance procedure tailored to remotely detected road-safety-related traffic offences to investigate the actual address of the vehicle owner/holder, something which is currently missing. However, the name and address of the vehicle holder/owner is not sufficient to get hold of an offender in Member States which apply a "strict" driver liability regime, namely Germany and Sweden. In those countries, only the driver can be liable for a traffic offence and the vehicle holder/owner cannot be fined for the traffic offence even if he/she does not disclose the identity of the driver. The enforcement authorities have to provide evidence that the alleged offender was the driver of the vehicle with which the offence was committed. They cannot require the owner/holder of the vehicle to identify the driver because this would contradict the privilege against self-incrimination and the right to remain silent, foreseen in national legislation. They need to match the photo from the camera on which the driver is visible with information coming from another source. Without additional assistance that would allow using

other data sources/databases, such as driving licence registers (RESPER), the investigation of the detected offence will remain difficult.

In cases where the offender could be identified, an information letter/penalty notice is issued. It is estimated that in around 70% of those cases, the penalty is paid voluntarily. In the remaining 30%, the payment of the penalty needs to be enforced, e.g. by launching a mutual assistance in investigation. For such further proceedings, the CBE Directive suggests in recital (15) the use of applicable EU-level legal instruments, including instruments on mutual assistance and on mutual recognition, such as Council Framework Decision 2005/214/JHA on the application of the principle of **mutual recognition to financial penalties**. In such cases, the Member State in which the offender of the road traffic offence resides would enforce the financial penalty (and normally also keep the related revenues).

The scope of Framework Decision 2005/214/JHA covers conduct which infringes road traffic regulations. However, the Framework Decision is limited to a final decision requiring a financial penalty to be paid where the decision is made by a court in respect of a criminal offence or in case of a decision for administrative offences where a judicial review procedure similar to the one applied to criminal offences is available to the person concerned. In many Member States road traffic offences are qualified as minor administrative offences (not as criminal offences) and are subject to limited judicial review, if at all, which is why they cannot be pursued using the Framework Decision.

Moreover, Article 7 of the Framework Decision gives the executing Member State a number of grounds for non-recognition and non-execution. One of the refusal grounds is linked to the size of the financial penalty: if it is below EUR 70, the executing Member State may refuse to recognise and execute a decision of the Member State where the offence occurred. Many speeding fines are below that threshold. The evaluation found that the application of the Framework Decision resulted in enforced decisions related to traffic offences in less than 1% of all cases.[57] Practice indicates that the framework for cross-border enforcement of financial penalties under the Framework Decision is not tailored to cope with the huge amount of (largely administrative) road safety traffic offences.

In the stakeholder consultation, some public authorities called for a simplification of the enforcement procedures for financial penalties, arguing that those under the Framework Decision are 'too strict' when it concerns 'minor' traffic offences, while other Member States stressed that the procedural rights of presumed offenders should be respected and that the strict procedures under the Framework Decision are needed. The effectiveness of Framework Decision 2005/214/JHA in the mutual recognition of financial penalties was perceived as being low by a number of competent authorities of Member States which considered a tailored enforcement procedure for financial penalties for road-safety-related traffic offences appropriate.

Other legal instruments related to the cross-border gathering and exchange of evidence between Member States such as the MLA Convention or the European Investigation Order (EIO) are rarely used for the exchange of evidence on road traffic offences, especially when the offence is qualified as *administrative* (as opposed to *criminal*) in the issuing Member State. The two instruments require the appeal procedure for all offences (including administrative ones) to be addressed by a

[57] It appears that the success rate of enforced decisions on financial penalties for road-safety-related traffic offences committed in another country is considerably higher under bilateral agreements – or multilateral agreements such as the CBE Agreement of the Salzburg Forum laying down cross-border enforcement procedures tailored to fines related to road-traffic offences. In the latter case, the success rate is reportedly close to 100%.

judicial authority. Moreover, various authorities would have to be involved in the use of those instruments for road traffic offences which makes their use administratively cumbersome.

Additional complications related to the recognition of financial penalties of other Member States arise in cases where the liability regime differs between the Member State in which the offence was committed and the Member State in which the vehicle is registered (the driver who committed the offence needs to be identified in Member States which apply a strict driver liability regime while this is not necessary in Member States where the vehicle owner/holder can be made liable) and in cases where national rules impose strict requirements on the reliability of the detection equipment used[58].

Problem driver 4: Different level of fundamental rights protection provided for non-resident offenders in Member States

It is estimated that about 15% of all penalty notices sent from abroad do not contain all the necessary information or are written in a language which the presumed offender does not understand. According to the CBE Directive the presumed offender has the right to be informed about the legal consequences, as applicable under national law, and he/she also has a right to be addressed in a language which he/she understands.

As regards the contents and language of the information letter, Annex II to the CBE Directive provides a template in all official languages of the EU of the information letter with all necessary elements to be sent to the presumed offender. However, experience with the application of the Directive suggests that the template is hardly ever used. Member States instead prefer sending translated versions of national penalty notices. National penalty notices do however not always contain sufficient information for non-resident offenders who are not familiar with the procedures under administrative/criminal proceedings of other Member States and may therefore need more information than resident offenders.

As the investigation of offences committed by non-residents usually takes significantly longer than the investigation of offences committed by residents, it may not be appropriate to apply the same administrative deadlines. At the same time, there should be deadlines for the issuance of information letters/penalty notices, which take the necessary additional time needed for the investigation of cross-border cases into account. Presumed offenders should receive the information letter no later than a reasonable period of time after the offence took place. The deterrence effect (and the likelihood of a voluntary payment of the fine) is usually bigger the earlier the penalty notice is sent.

The presumed offender should be able to verify the authenticity of the penalty notice. It is of particular importance in cases where private debt collection companies have been tasked with the enforcement of financial penalties. Presumed offenders should not be confronted with possibly forged penalty notices without any means of verification.

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[58] For instance, in 2015, the Italian Constitutional Court ruled that the reliability of checking equipment used to detect traffic offences is verified on a regular basis (ECLI:IT:COST:2015:113). In 2013, a court in Spain annulled a fine (for crossing a red traffic light) as it was not accompanied by a document proving the reliability of the detecting equipment (https://www.elconfidencial.com/motor/2013-02-20/nuevo-varapalo-judicial-al-ayuntamiento-de-madrid-por-las-multas-en-los-semaforos_697877/).

The offender also has a right to the protection of his/her personal data. Article 7 of the CBE Directive refers to Directive 95/46/EC[59] which has meanwhile been repealed and replaced by Regulation (EU) 2016/679 (GDPR)[60].

Moreover, different data protection regimes apply to personal data processed under the Directive, depending on whether the offence is categorised as criminal or administrative in the law of the Member States. Principally, if the offence is categorised as criminal, the applicable rules are those transposed under Directive (EU) 2016/680 (Law Enforcement Directive, LED)[61]; if it is categorised as administrative, the rules of the GDPR apply. While Article 94(2) of the GDPR states that any reference to the repealed Directive 95/46/EC shall be construed as references to the GDPR, the LED lacks such a provision. The CBE Directive does currently not contain a reference to the LED.

In the targeted survey, opinions on the issues mentioned above were divided among road users (driver associations). Three stakeholders out of nine indicated that the information and evidence was accurate and on time but three out of nine were of the opposite opinion: They claimed that neither the information nor evidence was accurate or provided in a timely manner. Further information from ADAC, based on a review of the documents obtained during legal consultations, showed that in 2019, some 4,500 cases related to the issues of translation and insufficient information on how to appeal to the penalty notice were found[62].

Other potential driver considered and falling outside the scope of the impact assessment:

Driver disqualification: Reducing the impunity of non-resident offenders and thereby inducing a behavioural change that would lead to a more prudent driving style and hence to more road safety is arguably even more important in cases of serious breaches of the of traffic code in place. When committed in the Member State that issued the driving licence, such offences usually entail the issuances of penalty or demerit points in Member States which have such systems and to the loss of the driving licence (the right to drive) in extreme cases. With the exception of the bilateral agreement between the United Kingdom and Ireland, there is currently no mutual recognition of driver disqualification for offences committed in a country other than the one that issued the driving licence, hence no equal treatment of resident and non-resident offenders[63]. Drivers who commit

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[59] OJ L 281, 23.11.1995, p. 31.
[60] OJ L 119, 4.5.2016, p. 1.
[61] OJ L 119, 4.5.2016, p. 89.
[62] In 2019, 1,500 legal consultations were provided concerning penalty notices from Italy that were not sufficiently translated and/or did not contain sufficient information. In an additional 300 cases, the penalty notices did not contain sufficient information on how the appeal. Appeal procedures need to be launched in Italian. Moreover, ADAC indicates that its legal department has provided 1,000 legal consultations on penalty notices from the Netherlands (issued by CJIB). These consultations mainly referred to not translating the specific offence that was committed. For France, ADAC provided consultation for around 700 cases concerning penalty notices sent to its members. Although the initial penalty notice is usually translated, subsequent communication is generally not translated, and appeal procedures should be launched in French. In 2019, some 500 legal consultations were provided on penalty notices sent from Spain. These penalty notices were often not translated in German. The same applies for penalty notices sent from the Czech Republic, for which 400 cases were recorded by ADAC. Penalty notices sent from Hungary are increasingly translated in German. For other Member States, no main issues (among ADAC members) are observed and/or the number of cases is very low.
[63] The bilateral agreement between Ireland and the United Kingdom does not provide for the recognition of demerit penalty points; it only provides for the mutual recognition of driver disqualification(s). More information is available here: https://www.rsa.ie/services/licensed-drivers/mutual-recognition-of-disqualifications-ireland-and-uk

serious traffic offences in other Member States should be held accountable for them, in the same way as residents of those Member States are. A mutual recognition of driver disqualification would complement the CBE Directive. As mentioned in section 1 above, however, for reasons of consistency, it should better be addressed in the context of Directive 2006/126/EC on driving licences[64] which already contains provisions concerning the withdrawal of driving licences. Directive 2006/126/EC is being revised in parallel to the revision of the CBE Directive and the mutual recognition of driving disqualification is one of the issues considered in its revision[65].

2.3. 2.3. How likely are the problems to persist?

Problem 1: The CBE Directive is not fully effective in removing impunity of drivers who committed road-safety-related traffic offences with vehicles registered abroad

Without further EU level intervention, the impunity of non-resident drivers committing road-safety-related traffic offences not covered by the CBE Directive will continue. They will not have any incentive to change their behaviour and comply with the local law. While the total number of road traffic offences is expected to fall in the coming years due to new vehicle technology assisting drivers to comply with the traffic rules in place[66], the projected increase in road traffic may increase the number of offences currently not covered by the Directive which will be detected in the future but not enforced for non-resident offenders. The difference in treatment between resident drivers and non-resident drivers is expected to persist.

Without a revision of the CBE Directive, the relatively poor record of non-resident offenders paying the fine in a cross-border context (in less than 60% of all detected cases) is also likely to persist. Issues hindering the successful identification of the presumed offender which exist today are not expected to go away. Without more and better data being made available to enforcement authorities and/or without changes to the legal liability regime in some Member States, the rate of failed investigations is not expected to decrease. The 'voluntary payment rate' among the successfully identified presumed offenders is expected to stay at around 70% at best; it may also decrease due to the lack of effective cross-border enforcement. The rather low enforcement rate of financial penalties under Framework Decision 2005/214/JHA will likely not change much either without tailoring its application to road traffic offences. More promising is the enforcement of such fines under related bilateral or multilateral agreements, but no Member State has indicated that it planned to conclude or join such agreements in the near future. If everything stays as it is, non-resident offenders will have no incentive to change their behaviour. Even contrary, non-resident offenders who currently pay the fine on a voluntary basis may no longer do so given the low level of enforcement.

Problem 2: Fundamental rights of non-resident offenders are not fully respected

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64 OJ L 403, 30.12.2006, p. 18.

65 See the inception impact assessment for the initiative on the revision of the directive on driving licences: https://ec.europa.eu/info/law/better-regulation/have-your-say/initiatives/12978-Revision-of-the-Directive-on-Driving-Licences_en

66 For instance, in accordance with the general vehicle safety Regulation (EU) 2019/2144, all new vehicle types in the EU will from 6 July 2022 (all new vehicles from 7 July 2024) onwards be equipped with an intelligent speed assistance system which warns the driver when he or she is driving above the applicable speed limit. This is expected to reduce the number of speeding offences – by far the most important CBE offence – and hence increase road safety.

Road user organisations reported that the share of translated information letters has lately improved, but that the quality of the translations still leaves much to be desired in many cases (often automatic translation software / applications are used). Moreover, the content and the authenticity check of penalty notices/information letters still differs a lot between Member States (and often within Member States). It appears therefore that, in the absence of a revision of the CBE Directive, issues concerning the protection of fundamental rights of presumed offenders are likely to persist.

3. 3. WHY SHOULD THE EU ACT?

3.1. 3.1. Legal basis

Title VI (Articles 90-100) of the Treaty on the Functioning of the EU (TFEU) establishes the EU's prerogative to make provisions for the Common Transport Policy. Article 91(1)(c) TFEU provides that the Union has competence in the field of transport to lay down measures to improve transport safety.

3.2. 3.2. Subsidiarity: Necessity of EU action

Under the principle of subsidiarity, in areas which do not fall within its exclusive competence, the Union shall act only if and in so far as the objectives of the proposed action cannot be sufficiently achieved by the Member States. In the absence of EU action, equal treatment of resident and non-resident offenders cannot be ensured. Member States have concluded bilateral and multilateral agreements which aim at facilitating the cross-border enforcement of road traffic offences. Some of these agreements (e.g. the CBE Agreement of the Salzburg Forum) specifically make use of the framework established under the CBE Directive.

Bilateral and multilateral agreements have been found to be more effective than the CBE Directive when it comes to the enforcement rate. This is mainly because they include additional instruments for the exchange of information and/or related to the recognition and enforcement of final decisions. The CBE Agreement of the Salzburg Forum is said to have an enforcement rate of over 90%[67]. It builds on the CBE Directive, but makes greater use of EUCARIS functionalities and it contains specific provisions related to the cross-border execution of financial penalty decisions (in addition to provisions on the cross-border investigation of traffic offences).

Without action at EU level, Member States would likely cooperate based on those agreements already in place (no new agreements are planned). As mentioned above, the multilateral CBE Agreement of the Salzburg Forum builds on the CBE Directive so it wouldn't function without any EU framework in place. The enforcement regime of that agreement is based on Framework Decision 2005/214/JHA and investigation procedures implicitly (there is no direct reference) cover a modified application of the MLA Convention for service of decisions and Directive 2014/41/EU on the European Investigation Order to facilitate the exchange of evidence. Its proper functioning is therefore very much dependent on action being taken at EU level to address issues related to those legal acts.

While these bilateral and multilateral agreements generally fulfil their respective purpose, they lead to a situation where different rules apply to cross-border offenders from different countries. There is no equal treatment of offenders from all EU countries. Without action at EU level, there would be a patchwork of rules which would not be as effective in ending the impunity of non-resident offenders and inducing a behavioural change leading to improved road safety.

Under the subsidiarity principle, the application of enforcement practices by Member States in their own territory is considered primarily within their own competence. The initiative does not seek to impose requirements for road safety enforcement methods as such. It focuses on facilitating cross-border enforcement, which Member States cannot achieve on their own in a coherent way. The effectiveness and credibility of enforcement is seriously undermined when it does not affect all offenders in the same way.

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[67] Source: Ecorys et al. (2022): Impact Assessment support study.

3.3. 3.3. Subsidiarity: Added value of EU action

The added value of the initiative is similar to the EU added value of the existing CBE Directive[68]. As explained above, the existing bilateral and multilateral agreements would be unable to reach the same level of effectiveness as the Directive in both ending the impunity of non-resident offenders and ensuring equal treatment of all road users. Besides, as shown in the evaluation of the Directive, if Member States wanted to achieve the same results as the Directive through the conclusion of bilateral agreements, hundreds of these agreements would have to be signed, resulting in huge complexity and potential for inconsistencies, and ultimately leading to significant costs for national administrations. The added value of EU action can therefore also be seen from the efficiency angle, considering that a single framework provides great efficiency gains.

The shortcomings of the existing CBE Directive – in particular its lack of effectiveness – can only be addressed by action at EU level, namely a revision of the Directive. Only an EU instrument can bring about consistent and efficient EU-wide cross-border enforcement of road traffic offences, through the exchange of relevant information via an electronic system.

[68] See Table 1 in section 1.2.1 above.

4. 4. OBJECTIVES: WHAT IS TO BE ACHIEVED?

4.1. 4.1. General objective

The ultimate objective of this initiative is to improve road safety in the EU through more effective enforcement of road-safety-related traffic rules across borders. It thus contributes to reaching 'vision zero', i.e. close to zero fatalities on the EU's roads by 2050. It also contributes towards sustainable development goal #11 *"Make cities and human settlements inclusive, safe, resilient and sustainable"* and in particular to target 11.2 *"By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons"*.

4.2. 4.2. Specific objectives

This initiative is designed to effectively address the identified problems that reduce the effectiveness of the CBE Directive and that create issues related to the protection of fundamental rights of presumed non-resident offenders. The relationship between problem drivers and the specific objectives (SO) is provided in Figure 4 below.

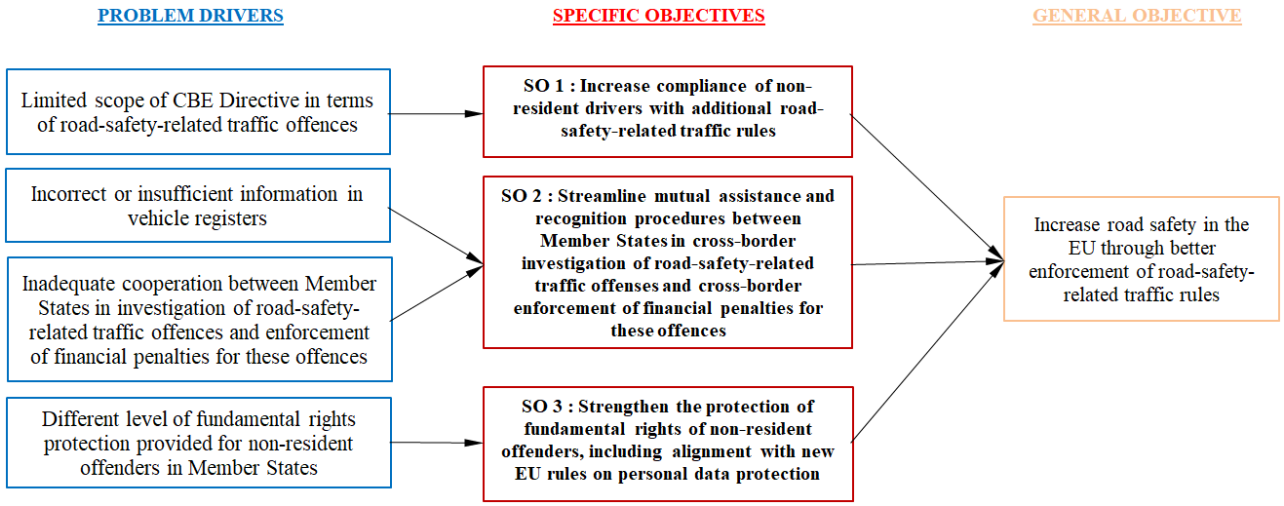


Figure 4: Correspondence between the specific objectives and the problem drivers

SO 1: Increase compliance of non-resident drivers with additional road-safety-related traffic rules

This specific objective directly addresses problem driver 1. While the most important road-safety-related traffic offenses are already covered by the CBE Directive, some are not yet covered. This includes above all several cases of dangerous driving such as not keeping sufficient distance to the vehicle in front, dangerous overtaking, dangerous parking, crossing solid white lines, driving in the wrong direction and driving an overloaded vehicle. This behaviour has become relatively common and urgently needs to be better enforced, including across borders. Technological developments in automatic detection equipment allow such offences being recorded. However, if the offender uses a vehicle registered in another Member State, he or she cannot be identified using the tools of the Directive. Some bilateral and multilateral agreements between Member States already today allow the identification of the presumed offender from another Member State in such cases. There is no reason why such offences should not be covered by the CBE Directive and why non-resident offenders should be left off the hook in such cases. As long as the offences in question have an impact on road safety, there should be no doubt as regards the legal basis of the initiative.

SO 2: Streamline mutual assistance and recognition procedures between Member States in cross-border investigation of road-safety-related traffic offences and in cross-border enforcement of financial penalties for these offences

This specific objective directly addresses problem drivers 2 and 3. By reducing the share of not successfully investigated cases and the share of unenforced penalties, it aims at increasing the effectiveness of the CBE Directive: more offenders will be identified and more of those that have been identified will be sanctioned; the resulting lower impunity levels for non-resident offenders should improve their behaviour on the roads and hence lead to more road safety.

The identification of the non-resident offenders still faces too many hurdles such as incorrect or insufficient information provided in the national vehicle registers, application of different legal liability regimes (driver liability vs. the vehicle holder/owner liability) and lacking tailored follow-up procedures in case the exchange of data via EUCARIS is not successful or does not provide adequate results. They should all be addressed in the revision of the CBE Directive. Moreover, the Directive should also help to improve the recognition and execution of decisions on financial penalties issued by other Member States. The current successful enforcement rate of only about 5% is not sufficiently deterrent to induce a change in behaviour on the side of the foreign offenders.

SO 3: Strengthen the protection of fundamental rights of non-resident offenders, including alignment with new EU rules on personal data protection

SO 3 directly addresses problem driver 3. The Charter of Fundamental Rights of the EU[69] gives EU citizens the right to the protection of personal data (Article 8), the right to an effective remedy and to a fair trial (Article 47) and the right of defence (Article 48(2)). It also provides for equality before the law (Article 20). Member States should protect these rights, also in the case of presumed non-resident offenders. The right to an effective remedy and to a fair trial implies that a certain amount of relevant information is given to the presumed offender within a reasonable timeframe in a language which he/she can understand. The information provided should also allow the presumed offender to check whether an information letter/penalty notice he/she receives is genuine or not. Data protection rules should be aligned with the GDPR and the LED.

[69] OJ C 202, 7.6.2016, p. 389.

5. 5. WHAT ARE THE AVAILABLE POLICY OPTIONS?

5.1. 5.1. What is the baseline from which options are assessed?

The EU Reference scenario 2020 (REF2020) is the starting point for the development of the baseline scenario for the impact assessment of this initiative. It takes into account the impacts of the COVID-19 pandemic on the transport sector[70]. Building on REF2020, the baseline scenario for this impact assessment has been designed to include the initiatives of the 'Fit for 55' package[71]. The baseline assumes that there is no further EU level intervention beyond the current CBE Directive.[72]

In the baseline scenario, the number of fatalities is projected to decrease by 23% by 2030 relative to 2015 and by 30% by 2050 relative to 2015[73]. The number of serious and slight injuries is projected to decrease only by 18% between 2015 and 2030 and by 25% for 2015-2050. This is despite the increase in traffic over time. Relative to 2020, the reduction rates are somewhat lower, reflecting the impact of the COVID-19 pandemic (lower base): The number of fatalities and slight injuries is projected to decrease by 3% by 2030 while the number of serious injuries is projected to remain relatively stable. By 2050, the number of fatalities would be 13% lower than in 2020 while the number of serious and light injuries would be lower by 10% and 11% respectively. Thus, the targets of the *EU Road Safety Policy Framework 2021-2030 – Next steps towards "Vision Zero"*, of reducing the number of road deaths and the number of serious injuries by 50% between 2020 and 2030, would not be met. In addition, this is still far from the goal of the *Sustainable and Smart Mobility Strategy* of a close to zero death toll for all modes of transport in the EU by 2050.

The number of detected offences committed by foreign registered vehicles without driver identification on the spot is estimated to go down in the baseline from 14.5 million in 2019 to 13.9 million in 2030 and 13.8 million in 2040 (4% reduction relative to 2019). This decrease is mainly due to the impact which the gradual introduction of new safety features in the vehicle fleet[74] – in particular the intelligent speed assistance system – are expected to have in the years up to 2040. It will more than outweigh the expected impact from the assumed increase in traffic. As the effect of the gradual introduction of new safety features in the vehicle fleet is expected to peter out by 2040, the number of detected offences is projected to increase again post-2040, to 14.7 million by 2050. The number of offences where the offender is not held accountable is projected to go down from 6.3 million in 2019 to 6 million in 2030 and 2040, before going up again to 6.4 million in 2050, driven by the increase in the number of detected offences post-2040. The share of offences where the offender is not held accountable is projected to remain relatively constant over time, at around 43%.

The total costs incurred by public authorities for the implementation of the CBE Directive are estimated to decrease from EUR 105.4 million in 2019 to EUR 77.8 million in 2030 and EUR 57 million in 2050 (see Table 3), mainly driven by a reduction in the investigation costs due to increased digitalisation. In the baseline scenario it has been assumed that the average time per investigation goes down from 15 minutes currently (as reported by Member States) to around 3

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[70] More detailed information on the preparation process, assumptions and results are included in the Reference scenario publication: https://energy.ec.europa.eu/data-and-analysis/energy-modelling/eu-reference-scenario-2020_en

[71] https://ec.europa.eu/commission/presscorner/detail/en/IP_21_3541

[72] More details on the baseline scenario are provided in Annex 4.

[73] Projections refer to injuries in accidents in which a passenger vehicle (car), a light commercial vehicle (van), a bus or a truck is involved (accidents with powered two wheelers are not included in the projections).

[74] Due to Regulation (EU) 2019/2144 (OJ L 325, 16.12.2019, p. 1).

minutes by 2050. Member States that implement digitised procedures, and adopt vehicle owner/holder liability regime, generally have an investigation time of between 1 and 3 minutes.

Table 3: Costs for public authorities for implementing the CBE Directive in the baseline scenario (in million EUR)

	2019	2030	2040	2050
Total investigation costs	70.9	44.9	30.4	22.1
Total mailing costs for successfully investigated offences	34.5	33.0	32.8	34.9
Total costs for public administrations	105.4	77.8	63.3	57.0

Source: Ecorys (2022), Impact assessment support study

5.2. 5.2. Description of the policy options

As a first step, a comprehensive list of possible policy measures was established after extensive consultations with stakeholders, expert meetings, independent research and the Commission's own analysis. This list was subsequently screened based on the likely effectiveness, efficiency and proportionality of the proposed measures in relation to the given objectives, as well as their legal, political and technical feasibility.

As a result of this screening process, a number of policy measures have been discarded either because an action to address the issue at EU level will not yield additional results, because the problem was not susceptible to a solution by means of EU legislation or because some of the aspects will be addressed through other EU legislation or soft policy instruments. Further details on the discarded policy measures and why they have been discarded are set out in Annex 5.

The retained policy measures have been grouped in three policy options, PO1, PO2 and PO3, two of which (PO2 and PO3) have variants (PO2A and PO3A, respectively). 11 out of the 16 retained policy measures are common to all policy options and do not entail a policy choice. Table 4 presents the links of policy measures included in the policy options with the problem drivers and specific objectives.

Table 4: Overview of policy measures and policy options

Problem driver (PD) and specific objective (SO)	Policy measure	PO 1	PO 2	PO 2A	PO 3	PO 3A
PD1 SO1	**PM1** – Extend the scope of the CBE Directive to other road-safety related traffic offences	√	√	√	√	√
PD2 SO2	**PM2** – Establish mandatory minimum data content of vehicle registers necessary for the investigation of traffic offences	√	√	√	√	√
	PM3 – Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request	√	√	√	√	√
	PM4 – Ensure access to other data registers (other than VRD) through a single system	√	√	√	√	√
	PM5 – Keep the information on the user of a vehicle in case the vehicle is leased and provide/disclose it upon request	√	√	√	√	√
	PM6 – Establish a tailored investigation mechanism for cross-border exchange of information of road traffic offences, aimed at better identification of the driver/offender		√	√	√	√
	PM7 – Establish mutual assistance in the investigation of road traffic offences by including the duty of the vehicle owner/holder to cooperate with authorities in identification of driver/actual offender			√	√	√
PD3 SO2	**PM8A** – Establish a tailored follow-up mechanism for mutual recognition of financial penalties issued in relation to CBE road traffic offences				√	
	PM8B – PM8A with limited grounds for refusal					√
PD4 SO3	**PM9** – Provide a dedicated list of entities in different Member States that are entitled to issue information letters to ensure authenticity of documents	√	√	√	√	√

Problem driver (PD) and specific objective (SO)	Policy measure	PO 1	PO 2	PO 2A	PO 3	PO 3A
	PM10 – Establish harmonised time limit for sending the information letter + use of registered mail to ensure fair service of documents	√	√	√	√	√
	PM11 – Establish mandatory minimum requirements for the information to be shared with presumed offender	√	√	√	√	√
	PM12 – Ensure consistent and seamless language regime in the follow-up communication with presumed offender	√	√	√	√	√
	PM13 – Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules	√	√	√	√	√
	PM14 – Ensure authenticity and fair service of final decision				√	√
	PM15 – Ensure that the information exchange under the CBE Directive complies with GDPR and Law Enforcement Directive (LED)	√	√	√	√	√

Policy option 1 (PO1)

PO1 is the basic policy option. It contains 11 of the 16 retained policy measures. Under PO1, the scope of the CBE Directive would be extended to include other road-safety related offences currently not covered by the Directive but for which the Directive can be a useful enforcement tool as they are detected more and more with automatic detection equipment without identification of the driver on the spot. It is suggested to include the six offences mentioned above - not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing solid white lines, driving in the wrong direction and driving an overloaded vehicle. It hence addresses specific objective 1.

PO1 also addresses the issues related to the protection of fundamental rights (specific objective 3) as far as the investigation phase is concerned. It does so by enabling the verification of the authenticity of documents related to the investigation of offences, by establishing harmonised time limits for sending the information letter, by establishing mandatory minimum requirements for the information to be shared with a presumed offender, by ensuring a consistent language regime throughout the procedure, by ensuring that citizens receive more information on the cross-border enforcement of road-safety-related traffic rules (including sanctions and applicable appeal procedures) and by updating the reference to the current data protection rules while respecting personal data protection rules.

Finally PO1 addresses specific objective 2 (improving the effectiveness of the Directive) by ensuring that the information in the national vehicle register databases is complete, up-to-date and complemented by relevant information on the previous vehicle holder for a certain period of time and on the actual user of a vehicle in case the vehicle has been leased. Under PO1, a single system would allow enforcement authorities to effectively access not just the vehicle registration databases of other Member States, but also to other databases / registers that may be useful for the identification of a presumed offender, such as the national driving licence registers.

Policy option 2 (PO2)

PO2 includes all elements of PO1 and in addition foresees the establishment of a tailored investigation mechanism, including an IT system which is an interface between national systems, for the cross-border exchange of information on road safety-related traffic offences. Where required, it would also allow the exchange of additional evidence such as pictures of the vehicle holder/owner to facilitate the identification of the offender.

Policy option 2A (PO2A)

PO2A supplements the measures already included in PO2 by introducing a duty to cooperate with enforcement authorities in the investigation of the identity of the driver of the vehicle with which a road-safety-related traffic offence has been committed in another Member State. This duty would apply in Member States with a driver liability regime while in other Member States, the holder/owner of the vehicle concerned can directly be fined for the committed road-safety-related traffic offence. In the case where the vehicle holder/owner claims that he/she was not the driver but does not cooperate with the enforcement authorities in the identification of the driver, he/she would be asked to contribute to the enforcement costs. The vehicle holder/owner would hence not be liable for the committed road-safety-related traffic offence (which he/she claims not to have committed anyhow) but for failing to cooperate with the enforcement authorities. This way, the rate of successful investigations in Member States with driver liability is expected to increase considerably. An alternative solution would be to impose vehicle holder/owner liability at EU level, but that would be disproportionate (see discarded policy measures in Annex 5). As this measure alone is expected to have a significant impact on raising the effectiveness of the CBE Directive, it is subject to a separate policy option.

Policy option 3 (PO3)

PO3 builds on PO2A and, in addition to all measures included in PO2A, it establishes also a tailored follow-up mechanism for the mutual recognition of decisions on financial penalties issued in relation the offences falling within the scope of the CBE Directive, thus creating a *lex specialis* for such cases that facilitates cross-border enforcement. It hence also contributes to a reduction of the relatively high share of offences where the investigation has been successful but where a penalty that has not been voluntarily paid has not been enforced. PO3 also includes an additional measure under specific objective 3 (safeguarding fundamental rights), which provides specific procedural standards and guarantees to be met when financial penalties are enforced abroad.

Policy option 3A (PO3A)

PO3A is an extended version of PO3, and it also contains a tailored follow-up mechanism for the mutual recognition of decisions on financial penalties as in PO3, however where the number of grounds for refusing to recognise and execute a decision related to a financial penalty issued by another Member State, as laid down in Article 7 of Framework Decision 2015/214/JHA, is reduced.

6. 6. WHAT ARE THE IMPACTS OF THE POLICY OPTIONS?

This section summarizes the main expected economic, social and environmental impacts of each PO[75]. The proposed measures included in the policy options are assumed to be implemented from 2025 onwards, so that the assessment has been undertaken for the 2025-2050 period, and it refers to EU27. Costs and benefits are expressed as present value over the 2025-2050 period, using a 3% discount rate. Further details on the methodological approach are provided in Annex 4.

6.1. 6.1. Economic impacts

The assessment of the economic impacts includes the costs which the various policy options entail for public administrations, the private sector (leasing companies) and road users.

6.1.1. Impacts on public administrations

Enforcement costs for Member States administrations. The impacts on public administrations are expected to be twofold: On the one hand, the policy options are expected to result in more cross-border investigation and enforcement procedures related to the detected offences and in an increase of their costs (e.g. due to specific requirements that have to be met to ensure the protection of fundamental rights of presumed non-resident offenders). On the other hand, by facilitating the cross-border investigation and enforcement of road-safety-related traffic offences, the policy options are expected to reduce the impunity of non-resident offenders. As a result, non-residents will adapt their driving behaviour. More effective policy options will hence result in fewer offences committed with vehicles registered in other Member States relative to the baseline. This reduces enforcement costs as fewer offences have to be investigated. Both factors have been considered in the assessment. The second type of effect is more significant in the more ambitious option packages (PO2A, PO 3 and PO 3A), and thus result in a higher reduction in the investigation costs relative to the baseline.

The detailed impacts on costs by policy measure are provided in Annex 4. The impacts on enforcement costs by policy option are not a simple sum of the impacts of individual policy measures, since the assessment of the impacts of the policy options also considers the synergies between policy measures. Table 5 provides a summary of the enforcement costs for Member States administrations in each policy option relative to the baseline for 2030 and 2050. The highest additional enforcement costs are projected in PO1 and PO2 for both 2030 and 2050 (EUR 7.2-7.3 million relative to the baseline in 2030 and EUR 8.4 million in 2050), followed by PO2A (EUR 5.9 million in 2030 and EUR 8.3 million in 2050) and PO3 (EUR 3.1 million in 2030 and EUR 6.1 million in 2050), while the lowest costs are projected in PO3A (EUR 1.8 million in 2030 and EUR 5 million in 2050).

The higher enforcement costs for PO1 and PO2 relative to other POs are mainly due to the assumption that these two options are not as effective as the other options which is reflected in a slightly lower share of successfully investigated offences in all detected offences. Above all, however, their lower effectiveness entails a lower reduction in the impunity of non-resident drivers which translates into more offences being detected (as more offences are being committed) than in PO2A, PO3 and PO3A. This trend in the number of detected offences is then combined with the

[75] The analysis in this section is based on Ecorys et al. (2022), *Impact Assessment support study for the revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences*, and on the analysis of stakeholders' feedback.

trend in the investigation costs per detected offence (which is going down over time due to efficiency gains from increased digitalisation) and the development of mailing costs for all successfully investigated offences.

All policy options are expected to lead to a decrease in the investigation costs in 2030 and 2050 relative to the baseline, at different degrees, while the costs for sending the penalty notices would increase. It should however be noted that a very large part of the increase in the costs for sending the information letter / penalty notice is linked to the requirement of sending all information letters with registered mail (PM10), which is included in all policy options. This increases costs in all cases where information letters are currently sent by normal mail (around 50% of all cases). This is also the reason why the costs for sending the penalty notices increase in all options relative to the baseline (see Table 5), despite the decrease in the number of additional penalty notices in PO3 and PO3A (see Table 6).

Table 5: Enforcement costs for public administrations in the POs relative to the baseline scenario (EU27), in million EUR (2020 prices)

	Difference to the baseline									
	PO1		PO2		PO2A		PO3		PO3A	
	2030	2050	2030	2050	2030	2050	2030	2050	2030	2050
Enforcement costs (in million EUR)	7.3	8.4	7.2	8.4	5.9	8.3	3.1	6.1	1.8	5.0
Investigation costs	-1.0	-0.4	-1.3	-0.6	-3.6	-1.7	-4.8	-2.3	-5.4	-2.6
Costs for sending the penalty notice	8.3	8.8	8.5	9.0	9.5	10.1	8.0	8.5	7.2	7.7

Source: Ecorys (2022), Impact assessment support study

PO1 includes 11 of the 16 retained policy measures. Out of these measures, only those that extend the scope of the CBE Directive to six additional offences (PM1), aim to extend the minimum data content of national vehicle registers beyond the elements listed in Annex I to the CBE Directive (PM2), aim to ensure that the information on the previous owner/holder of a vehicle is held in the national vehicle registers for a specific period of time (PM3), ensure access to other data registers (other than VRD) through a single system (PM4) and establish a harmonised time limit for sending the information letter and also requires authorities to send information letters with registered mail (PM10) have a direct impact on the number of offences and the number of penalty notice issued, and hence on the costs for sending them (PM10). These measures allow more detected offences to be successfully investigated over time (i.e. the share of successfully investigated cases is projected to be 3.6 percentage points higher relative to the baseline in 2030 and 3.7 p.p. higher in 2050) and would also lead to more penalty notices being issued in the first year of implementation.

However, following the higher number of successfully investigated offences and penalty notices in the first year of implementation (2025), the impunity of non-resident offenders is reduced[76] and as a result they are expected to adapt their driving behaviour afterwards. Consequently, PO1 results in around 295,000 fewer investigations being launched relative to the baseline in 2030 and 289,000 fewer in 2050. At the same time, it results in a very limited number of additional issued information letters / penalty notices relative to the baseline (around 1,000 in 2030 and 40,000 in 2050). Table 6 provides the number of launched investigations and issued penalty notices, relative to the baseline.

Table 6: Number of investigations launched and penalty notices issued in the POs relative to the baseline scenario in EU27 (in thousand)

	Difference to the baseline

[76] Under PO1, the share of offences committed with impunity would go down from 43% in the baseline to around 39%.

	PO1		PO2		PO2A		PO3		PO3A	
	2030	2050	2030	2050	2030	2050	2030	2050	2030	2050
Investigations launched	-295	-289	-394	-394	-1,091	-1,129	-1,463	-1,522	-1,649	-1,718
Penalty notice issued	1	19	40	60	264	296	-71	-57	-239	-234

Source: Ecorys (2022), Impact assessment support study

PO2 adds PM6 to PO1. **PM6** establishes an investigation mechanism that is tailored to the cross-border exchange of information with the aim to increase the success rate in identifying the offender/driver. PM6 would provide two additional elements compared to PM 2, 3 and 4; the follow up procedure to find the actual address of the offender, and the follow up procedure to exchange additional evidence (in particular pictures of the vehicle owner/holder from the passport or ID registers). These are all additional services that are currently not possible. In case a request of the vehicle registration database of another Member State does not result in the exchange of the (correct) postal address of the presumed offender, a follow-up question may be exchanged via EUCARIS or, in case additional evidence is required, a request could be made via the eDelivery network[77] which allows for the secure and reliable exchange of data and documents between authorities. The measure would lead to more successful investigations in PO2 (i.e. the share of successfully investigated cases is projected to be 4.5 p.p. higher in 2030 and 4.6 p.p. higher in 2050 relative to the baseline), while the share of offences committed with impunity would go down to 38.6%. PO2 is also estimated to result in a higher number of penalty notices issued relative to the baseline (around 40,000 in 2030 and 60,000 in 2050), and also relative to PO1. This measure also foresees the establishment of a dedicated IT portal for communication between governmental authorities/organisations and preferably decentralised platform(s)[78] to inter-connect national registers/back-end IT services in the cross-border exchange of information.

PO2A adds PM7 to PO2. **PM7** introduces a mutual assistance in the investigation of cross-border road-safety-related traffic offences by including a duty of the owner/holder of the vehicle with which the traffic offence has been committed, to cooperate with the enforcement authorities in the identification of the driver / the actual offender in case the vehicle holder/owner was not the driver. This measure addresses in particular the situations where only the driver / the actual offender can be held liable for the traffic offence. In case the owner/holder of the vehicle fails to cooperate with the enforcement authorities in the identification of the driver / the actual offender, he or she will be asked to share the enforcement costs. As the measure is expected to be very effective in increasing the share of successfully investigated offences in PO2A (i.e. the share of successfully investigated cases is projected to be 10.9 p.p. higher relative to the baseline in 2030 and 11 p.p. higher in 2050), it should lead to higher enforcement costs due to the higher number of penalty notices issued (around 264,000 in 2030 and 296,000 in 2050, relative to the baseline). Also, the share of offences committed with impunity goes down to 33.9% in PO2A.

PO3 adds PM8A and PM14 to PO2A. **PM8A** establishes a tailored follow-up mechanism for the mutual recognition of financial penalties. The existing mechanism for the mutual recognition of financial penalties (Framework Decision 2005/214/JHA) is not suited to dealing with a high

[77] https://ec.europa.eu/digital-building-blocks/wikis/display/DIGITAL/eDelivery

[78] The decentralised nature of the system means that there will be no data storage or data processing by the entity entrusted with the operational management of the system's components. Depending on whether an access point to the system is operated by an EU institution, agency or body, or at national/international level, and depending on which national authorities are processing personal data and for what purpose, either Regulation (EU) 2018/1725 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data (OJ L 295, 21.11.2018, p. 39), the GDPR or the LED will apply.

number of road traffic offences, most of which are administrative offences (and not criminal offences, for which the Framework Decision is more suited). A specific mechanism for the recognition of road-safety-related traffic offences committed with a vehicle registered in another Member State could overcome the shortcomings of the Framework Decision, lower the enforcement costs and allow for a more effective and efficient enforcement. In addition, **PM14** aims at ensuring authenticity and fair service of final administrative or judicial decisions. This measure specifies the information to be shared with the presumed offender. PM14 is not expected to lead to additional costs beyond and above the baseline.

PO3 is as effective as PO2A in increasing the share of successfully investigated offences (i.e. the share of successfully investigated cases is projected to be 10.9 p.p. higher relative to the baseline in 2030 and 11 p.p. higher in 2050). Simpler procedures more tailored to road traffic offences are however expected to help increase the share of enforced decisions on financial penalties. The regime applied in the CBE Agreement of the Salzburg Forum could serve as a role model, but not all of its aspects are expected to work at the EU level due to the different legal regimes applied in the EU countries. The increase in the number of enforced decisions is therefore expected to be rather small. While under the baseline, only 5% of enforcement procedures are successful, this rate is expected to increase to 15% under PO3 (with limited grounds for refusal by the executing State)[79]. Overall, PO3 would result in around 1.46 million fewer investigations launched in 2030 and 1.52 million fewer investigations in 2050 relative to the baseline. Also, the share of offences committed with impunity goes down to 31.3% in PO3.

Finally, **PO3A** adds PM8B and PM14 to PO2A. **PM8B** is identical to PM8A but it specifically limits the grounds for non-recognition and non-execution by the authorities of the executing State of a decision taken by the issuing State, which are contained in Article 7 of Framework Decision 2005/214/JHA. One of those grounds applies when the financial penalty is below EUR 70, which is often the case in (minor) road traffic offences. PO3A is as effective as PO2A in increasing the share of successfully investigated offences (i.e. the share of successfully investigated cases is projected to be 10.9 p.p. higher relative to the baseline in 2030 and 11 p.p. higher in 2050). On the other hand the enforcement rate is expected to increase to 20% under PO3A as a result of fewer requests for recognition and execution of financial penalties being rejected by the executing State. Overall, PO3 would result in around 1.65 million fewer investigations launched in 2030 and 1.72 million fewer investigations in 2050 relative to the baseline. Also, the share of offences committed with impunity goes down to 30.1% in PO3A.

Adjustment costs for Member States administrations. PM2, PM4 and PM11 are expected to result in one-off adjustment costs for Member States administrations relative to the baseline. *These measures are included in all policy options*. More details are provided in Annex 4.

More specifically, **PM2** aims to extend the minimum data content of national vehicle registers to be exchanged beyond the elements listed in Annex I to the CBE Directive. Data needs to be available in the national vehicle registers and then it also needs to be included in the international message exchange. The web client that enables enforcement authorities to make requests would also have to be adapted. Finally, the vehicle registration authorities would have to adapt their data services that make the data available to EUCARIS. All in all, this is expected to generate one-off costs of EUR 290,000 for the whole EU in 2025 relative to the baseline.

[79] The rate of successfully enforced decisions in the CBE Agreement of the Salzburg Forum is estimated at 90%.

PM4 aims to ensure effective access to other data registers for enforcement purposes such as the European driving licence network RESPER using the EUCARIS system. As RESPER already has similar search functionalities, the effort and costs related to this measure are expected to be limited and mainly related to the authorisation of users, in particular when different authorities are involved. The costs may differ from one Member State to another depending on its internal organisation. The one-off costs relative to the baseline are estimated at EUR 50,000 on average per Member State, i.e. EUR 1.35 million for the whole EU in 2025.

PM11 aims at ensuring that a presumed offender receives all the information he/she needs to be able to deal with an information letter. It specifies what information should be included in the information letter and may require the adaptation of the information letters / penalty notices used by Member States so they contain all the necessary information. The one-off costs for the adaptation and translation of the information letters are estimated to amount to around EUR 110,000 per Member State, i.e. EUR 2.97 million for the whole EU in 2025 relative to the baseline.

Total costs for Member States administrations. Overall, when considering both the enforcement costs, expressed as present value over the 2025-2050 horizon, and the one-off adjustment costs in 2025, PO1 results in the highest costs for the MS public administrations relative to the baseline (EUR 148.5 million), followed by PO2 (EUR 147.5 million) and PO2A (EUR 136.8 million). PO3 and PO3A result in significantly lower costs (EUR 93.1 million in PO3 and 71.3 million in PO3A), mainly due to the lower number of investigations launched.

Adjustment costs for the European Commission. PM9 and PM13 lead to adjustment costs for the European Commission relative to the baseline. *Both measures are included in all policy options.* More detailed information is provided in Annex 4. **PM9** provides for the creation of a dedicated list of entities that are entitled to issue information letters in the Member States. Such a list, financed by the Commission, facilitates the verification of the authenticity of such a letter. This measure is expected to generate one-off adjustment costs of about EUR 15,000 per Member State list in 2025, i.e. EUR 405,000 for the EU as a whole.

PM13 foresees the use of the dedicated portal and platform(s) established under PM6 where road users (citizens and businesses) can exchange information not just about applicable road traffic rules in other Member States, but also about applicable sanction schemes and appeal procedures in other Member States. The information functionality of the portal builds on the current Going Abroad website of the Commission and will be more interactive[80]. PM13 is expected to result in ongoing adjustment costs estimated at EUR 53,000 in 2030 and EUR 69,000 in 2050 relative to the baseline. In addition, one-off adjustment costs of EUR 70,000 are foreseen in 2025.

Overall, when considering both the ongoing adjustment costs, expressed as present value over the 2025-2050 horizon, and the one-off adjustment costs in 2025, the total costs for the Commission are estimated at EUR 1.531 million in all policy options.

6.1.2. Impacts on the private sector (leasing companies)

In case of leased vehicles, the vehicle holder/owner is the leasing company. When a road traffic offence has been committed with a leased vehicle, the information letter is often sent to the leasing

[80] The possibility of an application of the single digital gateway created pursuant to Regulation (EU) 2018/1724 (OJ L 295, 21.11.2018, p. 1) and Commission Implementing Regulation (EU) 2022/1463 (OJ L 231, 6.9.2022, p. 1) to the communication between governmental authorities/organisations, citizens and businesses will be explored.

company which then has to forward it to the end user/keeper of the vehicle. Although leasing companies usually pass on the cost of such work to their customer (the lessee), and charge a premium on top of that, it still is a burden on those companies which can be avoided if the name of the user (of the lessee) was available in the vehicle registration database. By requiring the end user / keeper of the vehicle to be recorded in the vehicle registration database, in particular in cases of long-term financial leasing, PM5, which is included in all policy options, allows lowering the costs of leasing companies related to the handling of penalty notices.

The CBE-related offences committed with rented/leased vehicles in Europe are projected at 38,275 in 2030 and 40,226 in 2050. The administrative cost savings for the private sector are thus estimated at EUR 0.435 million in 2030 and EUR 0.275 million for 2050 (see Table 7). The administrative cost savings per company are estimated at 202 EUR in 2030 and 128 EUR in 2050. Expressed as present value over 2025-2050 the total administrative costs savings relative to the baseline are estimated at EUR 7.037 million in all policy options (or an average of 130.92 EUR per year per company over 2025-2050). More details are provided in Annex 4.

Table 7: Impact on the administrative costs savings for the private sector

	2030	2040	2050
Number of offences	38,275	37,890	40,226
Administrative fee (in EUR)	11.4	8.8	6.8
Administrative costs savings (in million EUR)	**0.435**	**0.334**	**0.275**
Number of companies	2,150	2,150	2,150
Costs savings per company (in EUR)	202	155	128

Source: Ecorys (2022), Impact assessment support study

6.1.3. Impacts on road users

Road users stand to benefit from the initiative as they will receive more information with the information letters / penalty notices, in a timely manner and in a language they understand. They therefore save on costs and time for collecting the necessary information (e.g. on the authenticity of the documents) and/or translating the documents in question. It is not possible to quantify the reduction in the hassle costs as the information required depends on circumstances and the needs of the presumed offender. The impact is however deemed largely similar for all policy options.

6.1.4. Impacts on SMEs

The impacts of this initiative on SMEs are expected to be very limited; however, if anything, these impacts are positive. To the extent that leasing companies are not burdened with administrative work related to traffic offences committed with vehicles which they own but which are used by others, the initiative can be considered to have a positive impact on them. The related measure (PM5) could possibly affect SMEs; however, the vehicle leasing/renting sector is not particularly SME-intensive, hence the limited impact. Since PM5 is included in all policy options, there is no difference in this regard between the policy options. More generally, while it is acknowledged that this impact is indirect and marginal, SMEs can be positively affected by the initiative as road users, particularly transport companies. To the extent that the initiative ensures fairness between all road users and tackles difficulties such as lack of translation or unclear penalty payment schemes, which typically affect individuals and SMEs more than large companies, it can be considered to have a positive impact on SMEs.

6.1.5. Impact on the functioning of the internal market and on competition

The initiative reduces the impunity of drivers committing a road safety traffic offence with a vehicle registered in another Member State. It thus creates a level playing field between resident

and non-resident offenders. While there is no direct impact on the functioning of the internal market and on competition, a positive indirect impact can be detected.

6.2. 6.2. Social impacts

The social impacts are assessed in terms of impacts on road safety and impacts on the protection of fundamental rights.

6.2.1. Impacts on road safety

The impact of policy options on road safety draws on stakeholder input gathered through an online survey and through interviews, complemented by desk research (e.g. academic literature on behavioural responses to sanctions) and by analysing output from EUCARIS. The 'impunity model', used to estimate the impact on road safety is explained in Annex 4.

Table 8 provides the reduction in the number of fatalities and injuries relative to the baseline in 2030 and 2050, while Table 9 shows the cumulative number of lives saved and injuries avoided relative to the baseline over the 2025-2050 horizon. All policy options result in a reduction in the number of fatalities and injuries relative to the baseline scenario. The impact in 2025 (the first year of the assumed application of the revised CBE Directive) is assumed to be zero as the behavioural change of an offender is only expected in the year following that of a successfully enforced offence. As the number of road victims in the baseline is decreasing over time (mainly due to the deployment of intelligent speed assistance systems), the impact of the revised Directive on the number of prevented offences in relation to the baseline also decreases over time.

PO1 is projected to lead to 7 lives saved in 2030 and 6 lives saved in 2050 relative to the baseline and, at 381 injuries avoided in 2030 and 350 in 2050. In cumulative terms, over the 2025-2050 horizon, PO1 is estimated to lead to 165 lives saved and 9,195 injuries avoided. The main measures driving this outcome in PO1 are PM1 (extending the scope of the CBE Directive to six additional offences), PM2 (aiming to extend the minimum data content of national vehicle registers beyond the elements listed in Annex I to the CBE Directive), PM3 (aiming to ensure that the information on the previous owner/holder of a vehicle is held in the national vehicle registers for a specific period of time), PM4 (ensuring access to other data registers - other than VRD - through a single system) and PM9, PM10 and PM11 (that concern the form, timeliness and content of the information letter and facilitate the verification of its authenticity[81]).

Measures PM2, PM3 and PM4 would lead to an improvement of the successful investigation rate. At the same time, due to PM9, PM10 and PM11, the share of voluntarily paid penalty notices is expected to increase from 70% to 72% of all successfully investigated offences in PO1. Overall, the share of offences committed with impunity would reduce to 39.3% in PO1 relative to 43% in the baseline, which results in a decrease in the number of fatalities and injuries. PM1 is estimated to contribute around one third of the positive impacts on road safety, while PM2, PM3 and PM4 (together) another third. The impact of PM9, PM10 and PM11 together is also estimated at around one third. However, as explained in section 6.1.1 the impacts are not purely additive as they take into account the synergies between measures; therefore this provides a rough estimate.

[81] All these aspects have a positive impact on the rate of voluntary payments of the fine which in turn is assumed to lead to a behavioural change towards a more prudent driving style and hence improving road safety.

Table 8: Reduction in the number of fatalities and injuries in the POs relative to the baseline, in 2030 and 2050

	Difference to the baseline									
	PO1		PO2		PO2A		PO3		PO3A	
	2030	2050	2030	2050	2030	2050	2030	2050	2030	2050
Fatalities	7	6	8	7	16	15	20	18	23	20
Serious injuries	66	60	77	69	154	139	195	176	215	194
Slight injuries	315	290	368	338	734	675	930	855	1,028	945
Total fatalities and injuries avoided	388	356	453	414	904	829	1145	1049	1266	1159

Source: Ecorys (2022), Impact assessment support study

In **PO2** the inclusion of PM6, relative to PO1, allows for the exchange of additional data and information between the authorities to enable a successful investigation. As PM6 only concerns a limited number of cases, the additional road safety impact of PO2 relative to PO1 is also limited. In cumulative terms, over the 2025-2050 horizon, PO2 is however still estimated to result in 192 lives saved and 10,721 injuries avoided.

Table 9: Cumulation reduction in the number of fatalities and injuries in the POs relative to the baseline, for 2025-2050

	PO1	PO2	PO2A	PO3	PO3A
Fatalities	165	192	384	486	538
Serious injuries	1,575	1,837	3,667	4,644	5,133
Slight injuries	7,620	8,884	17,738	22,466	24,830
Total fatalities and injuries avoided	9,360	10,913	21,789	27,596	30,501

Source: Ecorys (2022), Impact assessment support study

PO2A additionally introduces through PM7 a duty of the vehicle owner/holder with which a road-safety-related traffic offence has been committed abroad, to cooperate with the enforcement authorities in the identification of the driver / the actual offender. This way the identification of the driver / actual offender is facilitated, also in Member States where that information is required. The number of successfully investigated offences is hence expected to increase substantially, as explained in section 6.1.1. The share of offences committed with impunity goes down to 33.9% in PO2A. As a result, in cumulative terms over the 2025-2050 horizon, PO2A is estimated to result in 384 lives saved and 21,405 injuries avoided relative to the baseline.

In **PO3** and **PO3A**, PM8A and PM8B respectively aim at improving the enforcement of fines linked to a traffic offence committed abroad. As explained in section 6.1.1, simpler procedures more tailored to road traffic offences are expected to help increase the share of enforced decisions on financial penalties. While under the baseline, only 5% of enforcement procedures are successful, this rate is expected to increase to 15% under PO3 and to 20% under PO3A (with limited grounds for refusal by the executing State)[82]. The share of offences committed with impunity goes down to 31.3% in PO3 and to 30.1% in PO3A. In cumulative terms over the 2025-2050 horizon, PO3 is estimated to result in 486 lives saved and 27,110 injuries avoided relative to the baseline while PO3A in 538 lives saved and 29,963 injuries avoided.

Although PO3A results in the highest impact in terms of lives saved and injuries avoided, Tables 8 and 9 also suggest that the highest incremental impact is provided by PO2A through PM7 (duty to cooperate with enforcement authorities). Overall, PO2 results in a 0.05% decrease in the number of fatalities and injuries relative to the baseline in cumulative terms over 2025-2050, while the impacts of PO2A, PO3 and PO3A are estimated at 0.10%, 0.12% and 0.13% respectively. Thus, all policy

[82] The rate of successfully enforced decisions in the CBE Agreement of the Salzburg Forum is estimated at 90%.

options contribute to some extent towards sustainable development goal #11 *"Make cities and human settlements inclusive, safe, resilient and sustainable"* and in particular to target 11.2 *"By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons"*, with the contribution of PO3A being the highest.

Table 9 provides the reduction in the external costs of accidents relative to the baseline, expressed as present value over the 2025-2050 horizon, in 2020 prices. The 2019 Handbook on the external costs of transport[83] has been used to monetise the costs. According to the Handbook, the external cost of a fatality in 2020 prices is estimated at around EUR 3.5 million, that of a serious injury at around EUR 0.5 million and that of a slight injury at around EUR 0.04 million. These values are multiplied by the number of fatalities, serious and slight injuries, respectively, to monetise the external costs of accidents in the context of this impact assessment.

As a result of the positive impacts on lives saved and injuries avoided presented above, PO3A shows the highest impact in terms of reduction in the external costs of accidents relative to the baseline (expressed as present value over the 2025-2050 horizon), estimated at EUR 3.9 billion. It is followed by PO3 with EUR 3.5 billion, PO2A with EUR 2.8 billion, and PO2 and PO1 (EUR 1.4 billion and EUR 1.2 billion, respectively).

Table 10: Reduction in the external costs of accidents in the POs relative to the baseline, expressed as present value over the 2025-2050 horizon, in 2020 prices (million EUR)

	PO1	PO2	PO2A	PO3	PO3A
Fatalities	401.3	468.0	934.3	1,183.4	1,307.9
Serious injuries	582.9	679.7	1,357.0	1,718.7	1,899.5
Slight injuries	217.5	253.6	506.4	641.4	708.9
Total fatalities and injuries	1,201.8	1,401.3	2,797.7	3,543.4	3,916.3

Source: Ecorys (2022), Impact assessment support study

All the assumptions used for estimating the impacts in terms of reduction in fatalities and injuries are provided in Annex 4. In addition, to acknowledge the uncertainty, a sensitivity analysis has been performed, assuming 15% and 20% lower value in absolute terms of the elasticity used to derive the impacts on road safety. Table 11 shows that even with a lower value of the elasticity all policy options are still projected to result in lives saved and injuries avoided, although the positive impacts on safety would be lower.

Table 11: Results of the sensitivity analysis on the reduction in the number of fatalities and injuries over 2025-2050 relative to the baseline and on the external costs of accidents, expressed as present value over 2025-2050 (in million EUR) relative to the baseline

	Difference to the baseline				
	PO1	PO2	PO2A	PO3	PO3A
Total fatalities and injuries avoided					
Central case	9,360	10,913	21,789	27,596	30,501
15% lower elasticity	7,956	9,277	18,520	23,457	25,926
20% lower elasticity	7,488	8,730	17,430	22,077	24,400
Reduction in external costs of accidents (present value 2025-2050, in million EUR)					
Central case	1,201.8	1,401.3	2,797.7	3,543.4	3,916.3
15% lower elasticity	1,021.5	1,191.1	2,378.0	3,011.9	3,328.9

[83] https://op.europa.eu/en/publication-detail/-/publication/9781f65f-8448-11ea-bf12-01aa75ed71a1

20% lower elasticity	961.4	1,121.0	2,238.1	2,834.8	3,133.1

Source: Ecorys (2022), Impact assessment support study

6.2.2. Impacts on fundamental rights

Non-resident drivers who commit road safety traffic offences should be given procedural safeguards that their fundamental rights are respected. The revision of the CBE Directive will impact fundamental rights under the Charter of Fundamental Rights of the European Union[84] which relate to protection of personal data and right to effective remedy and to a fair trial. In addition, the assessment was also made regarding equal treatment, which goes beyond the fundamental right of non-discrimination and in the context of the Directive means that non-resident and resident offenders should be treated in the same way. All policy options were assessed to determine if they have an impact on these fundamental rights and on equal treatment of EU citizens.

Given that the EU legislation regarding the protection of personal data was changed since the adoption of the CBE Directive, all policy options include alignment with the latest legislation on the protection of personal data (GDPR and LED). In addition, they set time limits for storage and retention of personal data and require procedural measures that those time limits are observed, which also has a positive impact on the protection of fundamental rights.

The right to effective remedy and to a fair trial is relevant in the case of the CBE Directive since it ensures that all presumed offenders enjoy the same rights. All policy options include policy measures which help to identify the authenticity of the authority sending the information letter and its content, allow the presumed offender to be informed in due time about the offence in the language he or she understands and informs him/her about the follow-up procedure, thereby they lead to the outcome of investigation which is fair for the offender.

As regards equal treatment, several policy measures contribute to improving equal treatment of resident and non-resident road safety traffic offenders. Extending the scope so that residents and non-residents are treated in the same way leads to equal treatment. Measures related to improved information letters, use of a language the offender understands, as well as better access to information on road traffic rules, sanction schemes and appeal procedures all have positive impacts on equal treatment of offenders. These measures are included under all policy options.

It can be therefore concluded that all policy options contribute positively to the protection of fundamental rights and equal treatment of road safety traffic offenders.

6.3. 6.3. Environmental impacts

The environmental impact should be a slightly positive one. The removal of impunity of non-resident offenders is expected to lead to a more law-abiding behaviour by non-residents which, when it comes to speeding (which represents the vast majority of cross-border cases), manifests itself in a lower average speed which in turn lowers fuel consumption and hence pollutant and CO_2 emissions when conventionally powered vehicles are used. Over time, as the share of zero- or low-emission vehicles in the fleet increases, the environmental improvement from a lower average speed is expected to reduce in significance. Overall, the impact on the environment is not expected to be significant under any policy option and has not been quantified. No significant harm is expected on the environment in any of the policy options.

[84] OJ C 326 of 26.10.2012 p.2.

7. 7. How do the options compare?

7.1. 7.1. Effectiveness

The assessment of effectiveness looks at the extent to which the general and specific objectives (SO) of the intervention are met. Table 12 provides the link between policy objectives and assessment criteria.

Table 2: Link between objectives and assessment criteria

General objective	Assessment criteria
Increase road safety in the EU through better enforcement of road-safety-related traffic rules	Change in the number of road fatalities and road injuries relative to the baseline
Specific objective	**Assessment criteria**
SO1 - Extension of the scope of the Directive to other road-safety-related traffic offenses	Change in the number of cross-border investigations
SO2 - Streamline mutual assistance and recognition procedures between Member States in cross-border investigation of road-safety-related traffic offenses and cross-border enforcement of financial penalties for these offences	Change in the number of successfully investigated cases Improvement in enforcement of the cross-border road safety traffic offences
SO3 – Strengthen the protection of fundamental rights of non-resident offenders, including alignment with new EU rules on personal data protection	Change in the number of penalty notices with appropriate language regime Change in the number of penalty notices with adequate information Change in the number of citizen's complaints concerning penalty notices

All policy options contribute to the **general objective** of increasing road safety in the EU through better enforcement of road-safety-related traffic rules. PO2A, PO3 and PO3A are however more effective than PO1 and PO2 due to the higher positive impact estimated in terms of lives saved and injuries avoided. Only a small decrease in the number of road fatalities and injuries is expected for PO1 and PO2 (165 to 192 lives saved and 9,195 to 10,721 injuries avoided), while there is a larger positive effect expected with more intervening options PO2A, PO3 and PO3A (384 to 538 lives saved and 21,405 to 29,963 injuries avoided).

Concerning **SO1**, the problem definition highlights that in case a road traffic offence is not detected, it will not have any consequences for the offender and his/her behaviour regarding road safety. Hence all policy options extend the scope of the Directive to other road-safety-related traffic offences, such as not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing while line(s), driving in wrong way or emergency lane, and driving an overloaded vehicle. By extending the scope to these offences, the number of detected offences is expected to increase by 2% in 2025 relative to the baseline, and consequently over the entire assessment period.

Concerning **SO2**, as highlighted in the problem definition, around 20% of all investigations fail because of technical issues, such as availability and updates of information in national vehicle registers, and legal issues, like identification of the offender and liability of the owner or driver of the vehicle. All policy options are expected to result in an increased number of investigations that are successfully conducted, albeit with different effectiveness. PO1 introduces only policy measures aimed at improved vehicle registers' content and exchange of information, and its effectiveness as regards the increase of the share of successfully investigated cases is the lowest; it is estimated to be 3.6 p.p. higher relative to the baseline in 2030 and 3.7 p.p. higher in 2050. In addition to these measures, both PO2 and PO2A include tailored investigation procedures based on electronic exchange of information (address, facial images) to better identify the presumed offender. PO2A is

however much more effective at successfully investigated cases (increase by 10.9 p.p. relative to the baseline in 2030 and 11 p.p. in 2050) than PO2 (increase by 4.5 p.p. in 2030 and 4.6 p.p. in 2050 relative to the baseline) since it introduces a duty of the owner/holder for road safety traffic offences committed with their vehicle abroad to cooperate with the enforcement authorities in the identification of the driver / the actual offender. Since PO3 and PO3A don't include additional measures aimed at investigation, their impact on the share of successfully investigated cases is the same as for PO2A.

All policy options contribute to improved enforcement, because measures focused on improving the investigation and identification of offenders will also have a positive impact on the number of successfully investigated offences and hence higher enforcement rates. However, the problem lies mostly in the available legal instruments which are not adapted to road-safety-related traffic offences. In this respect, PO3 and PO3A are most effective as they both envisage a mechanism for mutual recognition of financial penalties which is tailored to road safety traffic offences and derogates from the procedures currently in place (under Framework Directive 2005/214/JHA). PO3 and PO3A increase the share of successfully enforced financial penalties by 10 and 15 pp respectively.

With regard to **SO3**, the problem lies with penalty notices sent from abroad which do not contain all the necessary information for non-resident offenders about the administrative procedures, are written in a language which the presumed offender does not understand and the authenticity of which cannot always be verified. Measures to improve the rights of the presumed offender such as the predefined content of the information letter, the language regime in the information letter and the follow-up communication and personal data protection are included in all policy options, therefore PO1, PO2, PO2A, PO3 and PO3A have all an equal impact on reaching SO3. In addition, a policy measure which specifies the information that should be shared with the presumed offender on the final decision (how it is served to the person, which language should be used and how the written procedure is used), is included in PO3 and PO3A. It can be therefore concluded that all policy options are equally effective in reaching SO3.

Finally, it is important to note that the proposed intervention aims at improving the cross-border enforcement of road-safety-related traffic rules on the basis of an already existing intervention, which means that the baseline already contains some measures to address the problem. The measures included in the policy options are mainly technical and additional to the existing rules, while accepting that the harmonisation of national legal systems and procedures underpinning the cross-border investigation of road-safety-related traffic offences and the cross-border enforcement of sanctions for such offences, which could considerably increase the share of successful investigations, is not a feasible option. Moreover, given that the data could not always be triangulated and was in many instances provided by Member States only, conservative assumptions were used to derive the impacts. This means that the impacts are likely to be underestimated and the benefits could be higher.

Due to the foreseen extension of the scope of the CBE Directive, it will be possible to investigate more road-safety-related traffic offences, and due to measures that facilitate the cross-border investigation of offences, more such investigations will be successfully concluded, with different levels of effectiveness across policy options. At the same time, however, by facilitating the cross-border investigation and enforcement of road-safety-related traffic offences currently in the scope of the Directive, the policy options reduce the impunity of non-resident offenders. As a result, non-residents will adapt their driving behaviour. This means that, the more effective the policy options are, the fewer offences will be committed with vehicles registered in other Member States relative to the baseline.

The initiative will contribute to better enforcement by improving the mutual assistance between enforcement authorities. It means that the investigation procedures would be simplified (better tailored to the mass detection of offences qualified as administrative), digitised (creating a specific IT portal and platforms) and more accurate (improving vehicle registration data exchange, including more data to be shared electronically). The initiative is also expected to result in an increase in the share of successfully investigated cases relative to the baseline.

The protection of the fundamental rights of presumed offenders will be improved through a better defined, consistent language regime, the possibility of an authenticity check and a more precise content of information letters / penalty notices, as well as by uniform rules for delivery/service of these letters/notices.

To conclude, the main success would be increasing road safety in the EU through better enforcement of road-safety-related rules in the case of non-resident offenders who often enough escape enforcement measures.

7.2. 7.2. Efficiency

Efficiency concerns "the extent to which objectives can be achieved for a given level of resource/at least cost". In all policy measures, the benefits outweigh by large the increase in costs, relative to the baseline. The costs and benefits are summarised in Table 13.

Table 3: Summary of costs and benefits of policy options – net present value for 2025-2050 compared to the baseline (in million EUR), in 2020 prices

Net present value 2025-2050	PO1	PO2	PO2A	PO3	PO3A
Costs					
MS administrations	148.5	147.5	136.8	93.1	71.3
Enforcement costs	143.9	142.9	132.2	88.5	66.6
Adjustment costs (one-off)	4.6	4.6	4.6	4.6	4.6
European Commission	1.5	1.5	1.5	1.5	1.5
Adjustment costs (including one-off)	1.5	1.5	1.5	1.5	1.5
Total costs	150.0	149.1	138.4	94.6	72.8
Benefits					
Reduction in external costs of accidents (fatalities, serious and slight injuries)	1,201.8	1,401.3	2,797.7	3,543.4	3,916.3
Reduction in costs for the private sector	7.0	7.0	7.0	7.0	7.0
Reduction in road user (hassle) costs	√	√	√	√	√
Total benefits	1,208.8	1,408.3	2,804.7	3,550.5	3,923.4
Net benefits	1,058.8	1,259.2	2,666.4	3,455.8	3,850.6

Source: Ecorys (2022), Impact assessment support study

The major cost element of the policy options is due to enforcement costs for Member States administrations, related to the investigation of road safety traffic offences. The next group of costs is represented by adjustment costs for Member States administrations for connecting databases and technical solutions, costs for developing templates, and costs for the Commission to develop and maintain a portal for Government-to-Citizens (G2C) and Government-to-Businesses (G2B) (and vice versa) communication.

The adjustment costs are the same in all policy options, so the determining factor is the enforcement costs. The enforcement costs decrease when the policy options become more intervening, and the number of offences is reduced. Therefore, PO3A shows the lowest cost of all options, at EUR 72.8 million in addition to the baseline costs, expressed as present value over 2025-2050. This is because the more actions are taken to enforce the rules, the larger is impact on impunity, which in turn means higher deterrent effect, safer road behaviour and fewer offences. As

the number of committed offences decreases the most in PO3A, fewer investigations are launched, and enforcement costs decrease relative to the baseline. Along the same arguments, PO1 and PO2 lead to the highest total costs among the policy options (EUR 150.0 million and EUR 149.1 million, respectively), as they have less deterrent effect and consequently result in a lower reduction in the number of offences. PO2A stands in the middle, with additional costs relative to the baseline estimated at EUR 138.4 million.

In terms of total **benefits**, PO3A shows the highest benefits among the policy options due to the highest reduction in the external costs of accidents, due to the prevented number of fatalities, serious and slight injuries. These benefits are estimated at EUR 3,923.4 million relative to the baseline, expressed as present value over 2025-2050. PO1 and PO2 show much lower total benefits of EUR 1,208.8 million and EUR 1,408.3 million, respectively. PO2A shows total benefits in the middle ground, at EUR 2,804.7 million relative to the baseline, expressed as present value over 2025-2050. In all policy options measures to improve the content of penalty notices and follow-up communication reduce hassle costs for road users. However no robust data could be gathered to estimate these costs. All policy options also benefit from the reduction of administrative costs for rental and leasing companies, which is estimated at around EUR 7 million relative to the baseline, expressed as present value over 2025-2050.

Overall, all policy options result in **net benefits** relative to the baseline. The net benefits are lowest in PO1, estimated at EUR 1,058.8 million relative to the baseline. PO2 closely follows PO1 (EUR 1,259.2 million) while PO2A already presents considerably higher net benefits, estimated at EUR 2,666.4 million relative to the baseline. The net benefits are largest in PO3A, estimated at EUR 3,850.6 million relative to the baseline, expressed as present value over 2025-2050. Also, in terms of benefit to cost ratio, PO3A performs the best followed by PO3 and PO2A. The benefit cost ratios of PO1 and PO2 are significantly lower.

Considering the sensitivity analysis on the impacts of the policy options on external costs of accidents, provided in section 6.2.1, the net benefits have been calculated for each case and are provided in Table 14. The table shows that even with lower values of the elasticity, all policy options would still result in net benefits and the ranking of the policy options would not change.

Table 14: Results of the sensitivity anaysis on net benefits of policy options (in million EUR)

	Difference to the baseline				
	PO1	PO2	PO2A	PO3	PO3A
Net benefits (in million EUR)					
Central case	1,058.8	1,259.2	2,666.4	3,455.8	3,850.6
15% lower elasticity	878.5	1,049.1	2,246.7	2,924.3	3,263.1
20% lower elasticity	818.4	979.0	2,106.8	2,747.2	3,067.3

Source: Ecorys (2022), Impact assessment support study

7.3. 7.3. Coherence

Internal coherence assesses how various elements of the revised Directive function together to achieve the objectives, and how they are in line with other EU policies. The CBE Directive has a strong link to several EU instruments. In relation to follow-up investigation, it has a close link to the MLA Convention, the European Investigation Order and Prüm Decisions[85]. The Directive works jointly with these instruments to remove impunity for road users that commit road safety traffic offences abroad. Particularly relevant is the link to Prüm II, which enables the exchange of

[85] See footnotes 27, 28 and 32 respectively

other data categories (beyond vehicle registration data) such as the exchange of facial images between authorities responsible for the prevention, detection and investigation of criminal offences. PO1, PO2 and PO2A would remain coherent to Prüm Decisions, as the proposed measures under these options aimed at the exchange of additional information are coherent with Prüm. PO3 and PO3A may however face issues concerning internal coherence due to the proposed development of a tailored mechanism for the enforcement of financial penalties, which would derogate from such procedures under the Framework Decision 2005/214/JHA[86]. Attention has to be paid to the proposed revision as it could lead to a complex situation as regards the enforcement of sanctions: the extent of the changes could question whether the main objective of the Directive is still road safety, and hence whether the legal basis is still the transport-related article of the TFEU (Art. 91(1) TFEU), or the judicial and police cooperation legal basis (Art. 82(2) and Art. 87(2) TFEU respectively).

External coherence concentrates on the compliance of the CBE Directive with national policies and international legislation. The investigation procedure under the Directive meets the national criteria for the majority of Member States but it remains insufficient for some of them. It is especially considered ineffective for Member States that apply a strict driver legal liability regime. Revising the Directive will ensure that Member States are giving more and better tools for investigation and enforcement of road-safety-related offences. PO1 and PO2 will enable to investigate more offences, give more instruments to investigate and make certain requirements regarding penalty notices stricter, which is not expected to raise issues regarding external coherence. PO2A, PO3 and PO3A however might lead to issues of external coherence, but for different reasons. PO2A introduces mutual assistance in the cross-border investigation of road-safety-related traffic offences, including a duty to cooperate with enforcement authorities in the investigation of the identity of the driver of the vehicle with which a traffic offence has been committed in another Member State. This would respect the constitutional law of those Member States with driver liability regime, while incentivising the identification of the offender by the vehicle owner/holder. However, it could create issues with the privilege against self-incrimination and the right to remain silent typical for Member States applying strict driver liability, such as Germany and Sweden.. A tailored mechanism for the enforcement of financial penalties introduced by PO3 and PO3A means a simplification of procedural requirements while some Member States have very strict ones for financial penalties. Hence PO3 and PO3A may lead to external coherence issues in view of existing national legislation in some Member States.

7.4. 7.4. Subsidiarity and proportionality

Without the intervention at EU level, increasing road safety through better cross-border enforcement of road safety rules would likely not be achievable, as a Member State on its own cannot ensure that a national penalty decision or investigation of the offence is recognised by other Member States. Member States can and do engage in bilateral and multilateral agreements to ensure the mutual recognition, but cooperation remains fragmented across Member States. This does not result in a transparent and harmonised approach, nor does it lead to equal treatment of road users on EU roads. As all policy options ensure a harmonisation of the legal framework, the subsidiarity requirement is fulfilled.

In relation to proportionality, the proposed revision aims to improve road safety through better detection, investigation of cross-border road safety traffic offences and enforcement of sanctions

[86] See footnote 30

for these offences. PO1 contributes to this objective by introducing new measures on the detection and investigation of road-safety-related traffic offences, as well as on the protection of fundamental rights. PO2 in addition envisages a tailored investigation mechanism to better identify the offender. PO2A builds on PO2 but also introduces a duty of the owner/holder of the vehicle with which an offence has been committed to cooperate with enforcement authorities in the identification of the actual offender. The measures proposed under PO1, PO2 and PO2A are therefore considered to be proportionate in view of the revision objective.

PO3 and PO3A establish a simplified enforcement mechanism within the CBE Directive and during the stakeholder consultations, the views of Member States differed greatly regarding the proportionality of these options. Some Member States considered that the existing enforcement procedures under Framework Decision 2005/214/JHA are sufficient[87]. They are of the view that the most common grounds for refusal of enforcement of financial penalties are due to reasons outside the Framework Decision, and that the most common reason for non-enforcement of financial penalties is the problem of identification of the offender. On the other hand, some other Member States considered establishing the specific rules on mutual recognition of financial penalties under the Directive as essential and they would support a tailored approach for the mutual recognition of financial penalties[88].

Road safety organisations however were in favour of PO3 and PO3A, as they are the most effective regarding enhancing road safety. Given these divergent views and arguments and given that – while they would considerably change the legal approach to enforcement of financial penalties for cross-border offences – they would address the problem of identification of the offender in the same way as PO2A, it can be concluded that PO3 and PO3A may be regarded as disproportionate in view of the policy approach and objectives that can be achieved by these options.

[87] DE, NL, SE, FI
[88] FR, ES, CZ, IT, RO

8. 8. PREFERRED OPTION

8.1. 8.1. Identification of the preferred policy option and stakeholders views

All policy options are effective in achieving the general objective of increasing road safety through better cross-border enforcement of road-safety-related traffic rules, as well as in addressing the specific objectives, but the more intervening options are more successful in doing so. PO2A, PO3 and PO3A are therefore considered more **effective** than PO1 and PO2 due to the higher positive impact estimated in terms of lives saved and injuries avoided. Also, regarding effectiveness in terms of increased numbers of successful investigations, PO2A, PO3 and PO3A are regarded as more effective. With regard to enforcement, PO3 and PO3A are considered most effective due to a mechanism for mutual recognition of financial penalties which is tailored to road safety traffic offences.

With respect to **efficiency**, all policy options result in net benefits relative to the baseline. PO1 and PO2 have the highest additional costs due to their lower deterrent effect and hence a lower reduction in the number of offences, while PO3A shows the lowest cost of all options. In terms of total benefits, PO3A shows the highest benefits due to the highest reduction in the external costs of accidents, driven by the lower numbers of fatalities, serious and slight injuries, and again PO1 and PO2 show the lowest benefits. The least efficient is therefore PO1, closely followed by PO2 while PO2A already presents considerably higher net benefits. PO3A presents the largest net benefits and therefore it appears to be the most efficient option.

Concerning **internal coherence**, PO1, PO2 and PO2A remain coherent with relevant EU legislation while PO3 and PO3A could face issues due the tailored mechanism for enforcement of financial penalties, which could create a complex system and problems regarding the legal base of the CBE Directive. Concerning **external coherence**, PO1 and PO2 remain coherent with national and other international legislation. In PO2, Member States will be given a more efficient tool to identify the offender (through a tailored investigation mechanism) while the procedures adopted at Member State level would remain unaffected. Policy options PO2A, PO3 and PO3A might lead to issues of external coherence; PO2A due to a duty of the owner/holder to cooperate with enforcement authorities in the identification of the actual offender, which may violate the privilege against self-incrimination and the right to remain silent, and PO3 and PO3A due to a tailored mechanism for enforcement of financial penalties, which may create tensions with national policies. In terms of **subsidiarity**, all options fulfil this principle, and they would all bring about the harmonisation of the legal framework, albeit at different levels of ambition. With respect to the **proportionality,** PO3 and PO3A would likely result in issues of proportionality, due to the high ambition with a simplified enforcement mechanism and Member States views divided on this tool.

The analysis above points at PO2A as the preferred policy option, given it was considered effective in reaching the policy objectives and it appears, in view of its coherence with the Member States rules and procedures, better politically and legally feasible in comparison to the other, more ambitious options. PO2A could significantly facilitate cross-border investigation procedures (and by that the cross-border enforcement of financial penalties) that would offset the issues with the external coherence and proportionality to which it may lead. This policy option would push the EU legislative boundaries ahead with a moderate ambition, paving the way to a generally acceptable and very effective legal liability regime applicable to road-safety-related traffic offences.

Measures under PO1 would increase the effectiveness of the current CBE Directive, by improving information exchange and addressing the issues related to the protection of fundamental rights in the investigation phase, which are supported by all stakeholder groups. Concerning the protection of fundamental rights, according to public authorities, stricter requirements can and should be laid

down in the CBE Directive. However, while Member States representatives in the expert workshop considered that most information letters are already translated and authenticated, FIA and ADAC, the road user organisations indicated that although the situation has been improving over the past years, a lot of penalty notices are still not or poorly translated (for example using automated translation).

Regarding information available to road users on road traffic rules, 61 out of 80 respondents in the public consultation indicated that they find it 'important' or 'very important' that the driver has access to relevant information in the language that the driver speaks or understands, and only 7 out of 80 respondents indicated to find this 'not important' or 'slightly important'. When asked on specific rights of road users that presumably committed an offence abroad, there was a wide support expressed for the right to information on appeal procedures, information on how to pay fine and concerning the language regime of all official notifications.

Regarding the scope, most Member States were in favour of extending the scope of the Directive, with the support gathered around the six road-safety-related offences identified under PM1. Member States argued that without the scope extension, residents and non-residents could be treated differently with regard to offences falling outside the scope.

Regarding a tailored investigation mechanism for the cross-border exchange of information on road traffic offences under PO2, Member States indicated that the existing procedures for the investigation of offences are not often applied to road-safety-related traffic offences due to their complexity, and they seem to be largely in favour of adopting a simplified mechanism under the CBE Directive. Some public authorities indicate that they would like to simplify the procedures, arguing that those under the Framework Decision are 'too strict' when it concerns 'minor' traffic offences. Other Member States stressed that the procedural rights of presumed offenders should be respected and that the strict procedures under the Framework Decision are needed.

The duty of the vehicle owner/holder to cooperate with authorities in the identification of the driver/actual offender, introduced in PO2A, provides a solution for improving the cooperation in the investigation of a person liable for the offence, and addresses the situations in Member States which apply a driver liability regime (Germany, Sweden). Moreover, it introduces in the CBE Directive a solution which is already used by the Member States which are parties to the CBE Agreement of the Salzburg Forum[89]. Such solution was however supported during the consultation expert workshop by some other Member States (Austria, Spain, Croatia).The privilege against self-incrimination and the right to remain silent notwithstanding, Member States should be able to stipulate the obligation to cooperate in cases where the driver was not the vehicle owner/holder or other person covered by this fundamental right (e.g. through a picture of an unidentified person which is clearly not one of the persons protected by this fundamental right).

Finally, some Member States indicated a strong preference for more intervening options, and would therefore support PO3 or PO3A, which would both provide a tailored follow-up mechanism for the mutual recognition of financial penalties for road-safety-related traffic offences which would for these offences derogate from the provisions of Framework Decision 2005/214/JHA and thereby set up a *lex specialis* to facilitate the cross-border enforcement of road-safety-related traffic rules. Member States arguing for such a specific mechanism under the CBE Directive regarded the procedures under Framework Decision 2005/214/JHA too strict and not adapted to road-safety-

[89] Cf. Article 1(1)(b) of the CBE Agreement of the Salzburg Forum, which currently applies to and in AT, BG, HR and HU.

related traffic offences[90]. Others considered that this mechanism would not solve the problem of non-enforcement of financial penalties because the reasons are rather related to the inability to track down or identify the offender[91], or even believe that the proceedings under the Framework Decision work well[92] and had strong reservations regarding a simplified enforcement mechanism under the CBE Directive. In the expert workshops, Germany and the Netherlands did not support to include any specific rules on mutual recognition of financial penalties imposed for road traffic offences to the revision, as they considered existing rules under the Framework Decision as sufficient, while some other Member States (Spain, Czech Republic, France) requested specific rules on mutual recognition of financial penalties to be included. According to the information made available during the consultations, such rules would also be welcomed by Italy and Romania.

Road safety organisations were in favour of PO3 and PO3A, which they considered the most effective for enhancing road safety. ETSC for example indicated that they would like the enforcement instrument to be as effective as possible and favoured more intervening options over less intervening ones. For ADAC and FIA the most important issue was the content of penalty notices, and as this will be improved under all policy options, they have not indicated preference for any option.

8.2. 8.2. REFIT (simplification and improved efficiency)

This initiative is part of the Commission Work Programme 2022 under Annex II (REFIT initiatives), under the heading *'A New Push for European Democracy'*[93].

The initiative has an important REFIT dimension in terms of simplification and alignment of the procedures that Member States can use for cross-border road-safety-related traffic offences, thereby enhancing the road safety and increasing the protection of fundamental rights for road users. The main cost burden resulting from the CBE Directive are enforcement costs for Member States related to the investigation of cross-border offences. However, the measures aimed at improving the exchange of information between authorities, access and content of the registers, a tailored investigation mechanism to better identify the offenders and a duty to cooperate with enforcement authorities in the case of road-safety-related traffic offences committed abroad should lead to a decrease of investigation time and costs per offence.

An important part of simplification and administrative burden reduction will be the reduction in hassle costs for road users due to improvement of the content of penalty notices and follow-up communication. Specifically, it will be easier for a road user to check the authenticity of the penalty, since the entities in the Member States will be known, the information letters harmonised as regards content and language regime, and time limits for sending the letters established. Road users will also be able to have access to all information related to the enforcement of the rules in place through the dedicated portal.

The initiative will also result in a reduction of administrative costs for car leasing and rental companies, since it will allow the exchange of information on the end user/keeper of the vehicle from the vehicle registers in the case where the vehicle is leased or rented. The measure is expected to reduce the administrative burden for car leasing and renting companies in cases where the

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[90] FR, CZ, ES, BE
[91] SE, FI
[92] DE, NL
[93] Initiative No 26 in Annex II to COM(2021) 645 final

vehicle user committed a road traffic offence in a Member State other than the one in which the vehicle is registered.

8.3. 8.3. Application of the ‘one in, one out’ approach

As explained in section 6.1.2, the preferred policy option is expected to result in a reduction of administrative costs for the private sector. It is estimated to result in a cost reduction for car leasing and car rental companies estimated at EUR 0.435 million in 2030 and EUR 0.275 million for 2050, relative to the baseline. The administrative costs savings per company are estimated at EUR 202 in 2030 and EUR 128 in 2050. Expressed as present value over 2025-2050 the administrative costs savings relative to the baseline are estimated at EUR 7.037 million (or an average of EUR 130.92 per year per company over 2025-2050). These costs savings are due to the availability of the information on the vehicle end user / keeper in national vehicle registers by default, since administrative activities can be partly overcome.

9. 9. HOW WILL ACTUAL IMPACTS BE MONITORED AND EVALUATED?

The Commission will monitor the implementation and effectiveness of this initiative through a number of actions and a set of key performance indicators (KPIs) measuring progress towards achieving the operational objectives. Five years after the transposition deadline of the legislation, the Commission services should carry out an evaluation to verify to what extent the objectives of the initiative have been reached.

Established monitoring instruments (Art. 6 of the CBE Directive) will be used to follow the share of successfully investigated offences over time. The reporting will include the number of automated outgoing/inbound requests conducted by the Member States in which the road-safety-related traffic offence was committed searches conducted by the Member State of the offence and addressed to the Member State of registration of the vehicle, together with the type of offences for which the requests will be made and the number of failed requests.

In addition, the information provided by the Member States should include:

- the total number of registered offences committed by residents and non-residents

- the number and type (e.g. speed cameras) of automatic checking equipment in operation

- the share of offences (by type of offence) committed with vehicles registered in another Member State

- the number of voluntarily paid financial penalties issued to resident and non-resident offenders

- the number of enforced financial penalties for the registered offences committed by non-residents.

While Member States currently have to report every two years, the new reporting period will be extended to five years, to align it with the Commission's evaluation calendar and to reduce the administrative burden on national authorities. The Commission will present the results of the monitoring in regular summary reports, following the reporting of the Member States. The IT platform(s) are intended to facilitate the automatic compilation of data by specific reporting features.

ANNEX 1: PROCEDURAL INFORMATION

Lead DG, Decide Planning/CWP references

The lead DG is Directorate General for Mobility and Transport (MOVE), Unit C2, Road Safety.

DECIDE reference number: PLAN/2017/2093

The development of this initiative was announced under item 26 in Annex II (REFIT initiatives) to the Commission Work Programme 2022. The roadmap (ex-Inception Impact Assessment) was published on 15 March 2019.

Organisation and timing

An inter-service steering group (ISG), chaired by the Secretariat-General, with close involvement of DG MOVE, was established in 12 December 2018 in view of the preparation of this initiative. The ISG met four times between January 2019 and December 2022. The ISG closely followed the preparation of the IA support study, of this SWD and of the legislative proposal. The following Directorates-General (DGs) and other services of the Commission actively participated in the ISG: Secretariat-General (SG), DG HOME, DG JUST and DG DIGIT.

Following the 2016 evaluation, the Commission published an Inception Impact Assessment (roadmap) on 15 March 2019 outlining the design of a possible revision of the Directive and inviting stakeholders to comment. On 27 December 2019, the Commission engaged external consultants – ECORYS consortium – to carry out an impact assessment support study (MOVE/C2/SER/2019-425/SI2.819667). The objectives of the study were to develop and assess evidence-based policy options to improve road safety through better cross-border enforcement of road safety-related traffic rules. In close cooperation with the Commission, the consultants organised targeted consultation activities on all key aspects of the revision of the CBE Directive (see annex 2 for more details).

Consultation of the RSB

The Regulatory Scrutiny Board received the draft version of the present impact assessment report on 22 June 2022 and, following the Board meeting on 19 July 2022, issued a positive opinion with reservations on 22 July 2022. The reservations of the Board were addressed in the revised IA report as follows:

RSB reservations	Modification of the IA report
(1) The report should better compare the options in terms of effectiveness, efficiency and coherence, including by providing a comprehensive comparison summary table, synthesising the quantitative and qualitative comparison elements. This comparative assessment should be separated from the description of the support that the options have received by the various stakeholders, including Member States. The comparison of options should, in particular, better bring out the coherence and subsidiarity aspects, which seem to play an important role. Based on this and the views of	To the extent that the impact of each option could be quantified, a comparison of the options is provided in Table 13. Moreover, Annex 7 has been added which contains a table providing qualitative elements comparing the effectiveness of each policy option towards achieving the objectives of this initiative.

stakeholders (that should be more clearly presented), the report should significantly strengthen the proportionality assessment and the justification of why the chosen preferred option is not the best performing one in terms of effectiveness and efficiency (e.g. benefit-cost ratio and net benefits).	
(2) The report should present better and more comprehensively the evidence of better enforcement resulting in better road safety, including from a cross-border enforcement perspective. It should more transparently explain the robustness of the evidence underpinning the identified problems, including on repeated offenders.	The link between the enforcement of road traffic rules and road safety has been elaborated in the section dealing with the problem definition.
(3) Given the relatively modest results this initiative is expected to deliver (e.g. 10% increase in successful investigations) the report should be clearer up-front what success would look like. Linked to this, the report should be more explicit about why the bilateral agreements between Member States and multilateral agreements lead to very high enforcement of sanctions and if any resulting lessons could be useful to improve the EU system.	The expected relatively modest outcome has been explained in more detail in section 7.1. Section 9 provides information on how success may be measured. Existing bilateral and multilateral agreements (in particular the CBE Agreement of the Salzburg Forum) are more effective because they use additional tools. An EU-wide application of some of those tools may help improve the effectiveness of the CBE Directive. This has been elaborated in more detail in section 3.2.
(4) The report should more clearly present the articulation of the initiative with other related ones e.g. Driving Licences Directive.	The revision of the driving licence directive that is being proposed together with this initiative is meant to cover the mutual recognition of decisions related to driver disqualification (as a result of major violations of traffic rules). As such it complements the CBE Directive which is mainly about the cross-border enforcement of financial penalties (for relatively minor violations of road-traffic rules). Section 1 has been beefed up.
(5) The report should present more systematically the views of the different stakeholder groups (including dissenting views) on the problem, options and impacts.	Where available and relevant, the views of the different stakeholders have been presented in more detail in the various sections.

Evidence, sources and quality

This impact assessment draws on quantitative and qualitative data from the following main sources:

- 2016 ex-post evaluation of the CBE Directive
- Stakeholder consultation activities (see Annex 2)
- External support study conducted by an independent consortium led by Ecorys

- Commission experience in monitoring and implementing the Directive
- CARE database for data related to road accidents

ANNEX 2: STAKEHOLDER CONSULTATION (SYNOPSIS REPORT)

This annex provides a summary of the outcomes of the consultation activities carried out for the review of the CBE Directive, including in the context of the external support study. It notes the range of stakeholders consulted, describes the main consultation activities and provides a succinct analysis of their views and the main issues they raised.

The objectives of the consultation activities were the following:

- to collect information and opinions of stakeholders on the key problems and associated drivers, the definition of relevant policy objectives linked to those problems, and the identification, definition and screening of policy measures that could be considered in this Impact Assessment
- to gather information and opinions on the likely impacts of policy measures and options.

10. 1. OVERVIEW OF CONSULTATION ACTIVITIES

Consultation activities have taken place in 2019-2022, from the publication of the Inception Impact Assessment in March 2019 to the Open Public Consultation that closed in May 2022.

As part of the initial feedback mechanism, interested parties had the possibility to provide **feedback on the Inception Impact Assessment** from 15 March 2019 to 12 April 2019.

Subsequently, the following targeted consultation activities were carried out:

- **Two rounds of interviews** were held;
  - Exploratory interviews during the inception phase (Q1 and Q2 2020)
  - In-depth interviews to plug information gaps and assess the expected impacts of policy measures (Q2 and Q3 2021).
- **Two rounds of surveys** were carried out;
  - A survey to substantiate the problem analysis (Q4 2020). Four individual surveys tailored to specific stakeholder groups were launched.
  - A survey to assess the impact of policy measures (Q2 and Q3 2021).
- **Two expert workshops** were held;
  - On the problems experienced with the current CBE Directive, on 26 June 2020. A first draft of policy measures was discussed to collect feedback which was then used to refine them.
  - On the possible measures and options to address the identified problems, on 14 January 2021. A polling exercise was conducted, where participants were asked whether they would like to discard or retain the policy measures. It is worth noting that the majority of stakeholders wished to 'retain' all policy measures, although those aimed at streamlining enforcement procedures seemed most controversial.

Finally, an **open public consultation** was accessible on the website "Have your Say" from 25 February to 20 May 2022. 80 responses were received, including from 36 EU citizens, 18 companies and business organisations, 8 NGOs, 5 public authorities, 5 consumer organisations, 1 academic / research institution, 1 environmental organisation and 1 non-EU citizen. The most represented MS were Poland (16), Germany (14), Belgium (9), France (9) and Austria (7).

11. 2. STAKEHOLDER GROUPS

This section provides a short overview of the main types of stakeholders identified and targeted as part of the targeted consultation.

a. Public Authorities

This includes EU Member State and regional authorities responsible for overseeing the implementation of the CBE Directive. The procedures for road traffic enforcement are conducted by different public bodies in Member States, and even within a Member State, multiple ministries might be involved in the cross-border enforcement sanctions for traffic offences: Ministries of Transport, Transport Authorities, Police Authorities, Ministries of Interior, Ministries of Justice, Justice Authorities.

***EUCARIS*:** EUCARIS plays an important role in the implementation of the Directive. EUCARIS provides the technical instrument through which Member States have access to each other's VRD. Therefore, the EUCARIS secretariat was best placed to answer questions about technical issues with the exchange of VRD information, and possible solutions.

CARE: In order to facilitate the assessment of impacts, data was obtained from the CARE database. CARE is a Community database on road accidents resulting in death or injury (no statistics on damage-only accidents). For many EU Member States, CARE also provides information on the number/share of accidents (resulting in injury) in which at least one foreign registered vehicle was involved. Two interviews were conducted with an official in charge of CARE to obtain information, to ensure that it was rightly interpreted and to obtain insights on the possible limitations of the data.

Municipal organisations: During the IA study, questions were raised with regards to the implementation of road-safety-related UVARs. Municipalities and associations representing multiple municipalities were contacted to gather more information on the current implementation of road-safety-related UVARs and their possible inclusion in the scope of the CBE Directive. Examples of these organisations are Polis, Eurocities, the Association of Dutch Municipalities VNG and the City of Antwerp. To simplify the overview, they are all included under the stakeholder group "public authorities".

b. Research organisations

This group consists of the researchers and research organisation that focus on road safety, for example the Belgian VIAS institute, the European Transport Safety Council (ETSC), an FERSI/SWOV. The information provided by this stakeholder group is specific, namely research on road safety, data collection to develop the baseline, and to test certain assumptions with regards to the analysis and/or assessment of impacts of the measures. ETSC was contacted multiple times and asked to distribute information requests within their member base.

c. Road user organisations and leasing organisations

This stakeholder category includes organisations that present professional and recreational drivers. Examples within this stakeholder group are TLN, FIA, ADAC and Leaseurope. These stakeholders were contacted specifically to gather information on the experience of the driver in relation to the CBE Directive. This refers to experience with regards to receiving penalty/information notices in their native language, within a certain time frame and the road users' costs (e.g. time) with regards to following up on said penalty/information notice.

The table below summarises the participation of these groups in the consultation activities.

Table 15: Participation in the consultation activities

Consultation channels	Public Authorities	Research organi-sations	Road user associations and leasing companies	Total	Geographical Coverage
Exploratory interviews	4[1]	0	4[2]	8	DE, NL, EU, ES, NL, FR, SI
Stage 1 – Survey	69 (36 full)	23 (8)	16 (6)	108	AT, BE, CY, CZ, DE, DK, EE, EL FI, FR, HR, IE, LT, LU, NL, PL, PT, RO, SK, SI, ES, SE
Stage 1 – legal survey directed at Justice Authorities and Ministry of Justice	69 (16 full)				AT, BG, CY, CZ, DE, EE, FI, HR, IS, LT, LV, LU, NL, NO, PL, SK, ES, SE
Stage 2 - Survey	56 (25 full)	5 (3)	9 (5)	70	AT, BE, BG, CY, CZ, DE, DK, ES, FI, FR, HR, HU, IE, IT, LV, LU, NL, PL, PT, RO, SK, SI
Targeted Interviews	8[3]	1[4]	3[5]	12	AT, BE, CZ, ES, NL
Open Public Consultation	5	10	65	80	PL, DE, BE, FR, AT, IT, CZ, NL, PT, SK, ES, DK, HE, IE, SE
First workshop (June 2020)	59	1	1	61	AT, BE, CZ, DK, DE, EE, EL, ES, FR, CY, LV, LT, LU, HU, MT, NL,NO, PL, PT, RO, SI, FI, SE
Second workshop (January 2021)	68	5	4	77	AT, BE, BG, CH, CZ, DK, DE, EL, ES, IE, HR FR, CY, LV, LT, LU, HU, MT, NL, NO PL, PT, RO, SI, FI, SE

[1] BMVI (German Federal Ministry of Transport and Digital Infrastructure); TISPOL; Dutch Ministry of Justice and Safety; EUCARIS secretariat

[2] The following organisation provided written responses to a questionnaire through Leaseurope; Arval Spain, Fine Company BV, FNLV France, Bank Association of Slovenia

[3] EUCARIS; CARE; VNG; Salzburg Forum / Austrian Ministry of Interior; Spanish Ministry of Interior; Czech Ministry of Justice and Ministry of Transport; Belgian Ministry of Transport & Ministry of Justice; CJIB. Other organisations were also contacted, however, unsuccessfully or did not want to participate in an interview, this included: POLIS, German public authorities, Polish public authorities.

[4] ETSC

[5] FIA & ADAC; Leaseurope

Interests of stakeholder groups

- **Public authorities** are responsible for the detection, investigation and enforcement of road traffic offences. In general, the majority of this stakeholder group is in favour of implementing more effective investigation and enforcement procedures, to increase efficiency. However, Member States have diverging views regarding the ways in which this should be achieved, as some seem to place a lot of emphasis on procedural safeguards in order to protect the fundamental rights of the presumed offender, while others advocate for

simplified procedures. This stakeholder group is (in general) in favour of extending the scope of the CBE Directive.

- **Research organisations** are generally in favour of measures that enhance road safety. The procedural safeguards that are to be followed are of less interest to this group. In general, they are in favour of measures that increase the enforcement of road traffic rules.
- **Road user organisations** and **leasing organisations** are concerned about the consequences of the CBE Directive for road users. Furthermore, their main interest is in enhancing information that is available to road users: this includes the content (and authenticity) of the penalty notice, as well as the adopted language regime.

12. 3. FEEDBACK RECEIVED

During the feedback period, 16 stakeholders (mainly road users associations, public authorities / municipalities and related associations, as well as anonymous contributors) expressed their views on the initiative. Most feedback related to widening the scope of the Directive, towards the inclusion of parking offences (7 respondents in favour), UVARs (4 respondents in favour) and tolling offences (2 respondents in favour). These inputs were brought forward by public authorities and companies in charge of parking enforcement.

Road user associations (such as FIA, EAC and ÖAMTC) indicated that the content and information presented in information letters should be improved, and that more information on local road traffic rules should be actively communicated to (non-domestic) road users. Furthermore, the deadlines for delivery of information letters (to non-resident offenders) should be harmonised across Member States, and more information should be provided on follow-up procedures (such as the start and end of the deadline for appeals).

The German Federal Ministry for Digital and Transport (BMVI) provided a position paper in which it mentioned that Germany / the BMVI is not in favour of adopting owner liability regimes for road traffic offences. Rather, it suggests to develop a streamlined investigation procedure, ensuring that the State of residence of the presumed offender cooperates in the investigation procedure. Moreover, the BVMI indicated that it experiences no severe issues with the enforcement of financial penalties through the application of Framework Directive 2005/214/JHA. It argued that reporting requirements should not change, as (according to the BMVI) it will always be hard (if not impossible) to draw causal relationships between the CBE Directive and road safety.

Furthermore, two stakeholders indicated that they would like to see interventions from the EU in the area of vehicle register databases (building one EU-wide database), creating one single EU driving license (thereby removing driving licenses issued by the different Member States), facial recognition software in cameras (to help identify the driver), in the area of navigation services (providing road users with correct information on applicable speed limits and other local road traffic rules), ongoing digital procedures in police-to-police cooperation (for example concerning the issuance of penalty notices and subsequent communication via mobile apps).

13. 4. OPINIONS RECEIVED IN THE TARGETED AND OPEN CONSULTATION

a. Problem definition

In the targeted consultation, there was a wide consensus on the problem definition and the identified drivers to the problem. Similarly, in the OPC, the perception of the problem is shared by a wide range of respondents: more than half (54%) of respondents indicate that drivers in foreign registered vehicles are more likely to commit a traffic offence, while 25% say they do not know or have no opinion, and one fifth (21%) disagree. Respondents were then asked to comment on the

reasons why road users with foreign-registered vehicles would commit road traffic offenses. In the free-text area, around half of them mentioned a feeling of impunity. Moreover, more than 20% stated that unawareness of local traffic rules might result in drivers unintendedly violating traffic rules.

b. Scope of the Directive

Most public authorities are in favour of extending the scope of the CBE Directive, as confirmed during the second Expert Workshop. They argue that it would provide a mechanism to follow-up on more offences, strengthening the overall cross-border investigation systems of Member States, ultimately leading to a higher level of road safety. Although some bilateral agreements already have a broader scope than the CBE Directive, including these offences under the CBE Directive would allow for the exchange of relevant information between Member States more efficiently and consistently than is currently the case. Moreover, Member States in favour of an extension of the scope of the CBE Directive argue that it would increase fairness, through equal treatment of residents and non-residents.

Road user organisations in general welcomed the inclusion of other offences in the scope of the Directive, but are very concerned about the inclusion of UVAR-offences in the CBE Directive. They argue that imposed UVARs are often very time- and place-specific, and information to road users that are not very familiar with the local rules is often scarce. Moreover, rules concerning UVARs are often different for vehicles that are registered abroad. For example, certain low emission zones (e.g. in Antwerp) require foreign road users to pre-register their vehicle. Hence, although road user associations understand the desire of including these offences in the scope of the offences, they are concerned that information on UVAR-rules might not be properly communicated to road users.

Research organisations indicated to be in favour of including all traffic offences that have a link with road safety.

Table 16 provides an overview of the proposed scope extensions by Member State / stakeholder. Four MS find that the current scope is sufficient. Six MS do not have an opinion. Among stakeholders, there is no clear agreement as to the type and number of offences to be included.

In the OPC, respondents indicated that 'dangerous overtaking, also of cyclists' and 'driving in wrong way' would be the most important offences to include in the Directive. The inclusion of offences of 'overloaded vehicles', 'crossing white lines' and not keeping sufficient distance' also seem to be widely supported by respondents.

Table 16: Overview of proposed scope extensions by public authorities

	Not keeping suffi-cient dis-tance	Over-loaded vehicles	Dang erous over-takin g	Dangerous and illegal parking	Fail-ure to pay parki ng fees	Fail ure to pay toll	Failure to pay UVARs, LEZ	Other[161]	Scope is suffi-cient	N/A	Source
Belgium		X		X			X				1st Workshop
Czechia			X				X	X			Evaluation, 2nd WS
Germany	X		X	X			X				1st workshop
Estonia			-						X		Evaluation

	Not keeping suffi-cient dis-tance	Over-loaded vehicles	Dangerous over-taking	Dangerous and illegal parking	Fail-ure to pay parking fees	Failure to pay toll	Failure to pay UVARs, LEZ	Other[6]	Scope is suffi-cient	N/A	Source
Greece			X					X			Evaluation
Spain	X		X	X							1st workshop
France					X		X				1st and 2nd workshop
Croatia	X	X	X	X	X	X	X	X			Evaluation
Italy										X	Evaluation
Latvia										X	Evaluation
Lithuania			X					X			Evaluation
Luxembourg										X	Evaluation
Hungary									X		Evaluation
Netherlands				X	X		X				Interview, 2nd WS
Poland									X		Evaluation
Austria	X	X	X	X	X		X	X			1st workshop
Portugal										X	Evaluation
Romania										X	Evaluation
Slovenia									X		Evaluation
Slovakia			X								Evaluation
Finland										X	Evaluation
Sweden			X					X			Evaluation
EURO-CITIES							X				IIA feedback
City of Antwerp					X		X				IIA feedback
G4 Netherlands					X	X	X				OPC
ASECAP						X					OPC
ASFA						X					OPC evaluation
AITF[7]				X	X						IIA feedback
GART[8]					X						IIA feedback
FNMS[9]					X						IIA feedback
VNG[10]					X		X				IIA feedback
NORPARK					X						IIA feedback

[6] E.g. crossing white lane, not respecting forbidden access, driving in the wrong way or emergency lane, braking on the approach to a railway crossing, illegal manoeuvres …

[7] Association des Ingénieurs Territoriaux de France

[8] Groupement des Autorités Responsables de Transport
[9] Fédération Nationale des Métiers du Stationnement
[10] Association of Dutch Municipalities

Based on the input from stakeholders, it was concluded that an extension of the scope was desired. Therefore, policy measures concerning the scope extension are proposed. In terms of offences to be covered, the approach taken was that only offences that have a link to road-safety should be included in the Directive (considering the legal base of the Directive) and that these road traffic offences could be detected without identification of the driver (e.g. by making use of automatic checking equipment) in order to ensure that the CBE Directive provides a tool to enforce the road traffic rule. As a result, some offences that are brought forward by public authorities are not included in the scope (such as failure to pay toll, failure to pay parking fees and violating Low Emission Zones). Other offences (such as dangerous parking) are not included in policy measures as defining the offence would be problematic.

c. Mutual recognition of financial penalties

Public authorities are differing significantly in the assessed functioning of enforcement procedures for financial penalties. Currently, public authorities need to make use of enforcement procedures established under Framework Decision 2005/214/JHA. Some public authorities indicate that they would like to simplify the procedures, arguing that those under the Framework Decision are 'too strict' when it concerns 'minor' traffic offences. Other Member States (especially Germany) stress that the procedural rights of presumed offenders should be respected and that the strict procedures under the Framework Decision are needed.

The categorization of road traffic offences under criminal or administrative procedures is currently under the competence of Member States. In the CBE workshops, Germany supported by the Netherlands refused to include any specific rules on mutual recognition of financial penalties imposed for road traffic offences to the revision. Germany considers existing rules under the Framework Decision as sufficient. For Spain however, new rules on mutual recognition of financial penalties are the most important issue of the entire revision. Also, other Member States such as France and the Czech Republic requested specific rules on mutual recognition of financial penalties to be included. According to the information available to the Commission, such rules would also be welcomed by Italy and Romania.

Based on the inputs from public authorities, and by assessing the perceived effectiveness of the Framework Decision 2005/214/JHA in the mutual recognition of financial penalties as being low, measures concerning the establishment of a tailored enforcement procedure for financial penalties for road traffic offences were developed. Based on legal analysis, the IA support study concluded that these enforcement procedures are theoretically possible within the CBE Directive ('*Lex Specialis*').

Although it is assessed that the tailored enforcement procedure would make the CBE Directive more effective, there are concerns as to what this would mean for the legal basis of the CBE Directive, and concerning the external coherence of the measure (also concerning the political resistance). Hence, policy options involving a streamlined enforcement procedures are not preferred.

It is worth noting that 26% of stakeholders wished to discard the policy measure aimed at removing grounds for refusal for the mutual recognition of financial penalties (PM8a). However, almost 50%

was in favour of adopting a streamlined procedure (PM8) for the enforcement of road traffic offences (17% wanted to discard this measure and 34% answered 'I do not know'). An overwhelming majority (90%) supported the idea of Austria to require electronic exchange of certificates under Framework Decision 2005/214/JHA within the CBE Directive.

d. Other issues: fundamental rights, monitoring, driving disqualifications, information in case of rented vehicle

Concerning the protection of **fundamental rights**, according to public authorities, stricter requirements can and should be laid down in the CBE Directive. However, representatives in the second workshop claimed that most information letters are already translated and authenticated. It should be noted that, during an interview with FIA and ADAC, the road user organisations indicated that, although the situation has been improving over the past years, a lot of penalty notices are still not or poorly translated (for example using automated translation).

In the OPC, matters related to the level of **information available** to road users on road traffic rules were judged as being very relevant. Almost 90% of the respondents indicated that they find it 'important' or 'very important' that the driver has access to relevant information in the language that the driver speaks or understands, and only 3% of respondents indicate to find this 'not important' or 'slightly important'. Various ways of providing information were assessed, particularly navigation/on-board information system (supported by 87%), website of the country/municipality concerned (supported by 55%) or website of the European Commission (42%). Respondents were asked to provide their opinion on specific rights of road users that presumably committed an offence abroad. There seems to be wide support for the right to information on appeal procedures, information on how to pay fine (e.g. IBAN of the account to be credited) and concerning the language regime of all official notifications (which should be translated in the language of the vehicle registration documents or the Member State in which the vehicle is registered). Somewhat lower support is obtained for the right to receive all notifications by registered mail and the right to not be prosecuted if the first official notification is not received in time. Nevertheless, also for these rights, the majority of respondents do agree that the driver should enjoy them. Therefore, it seems that respondents are of the opinion that the fundamental rights of presumed offenders are important.

Research organisations indicate that the Commission should have sufficient information to **monitor and evaluate** the functioning of the Directive. They heavily supports measures aimed at extending the data that should be submitted to the Commission under Art. 6 of the CBE Directive.

Furthermore, research organisations seem to favour including **driving disqualification/non-financial (administrative) penalties**, because of the deterrent effect of those measures. This view is supported by France, Spain and Romania. However, the inclusion of driving disqualifications in the scope of the Directive was assessed to be legally impossible without a revision of the Directive 2006/126/EC ('Driving License Directive'). Hence, although the added value of including mutual recognition procedures for driving disqualifications is endorsed, no measures can currently be taken within the CBE Directive.

Road user organisations (Leaseurope) indicated the need to allow **VRD-exchange of the actual holder/keeper of the vehicle, in case the vehicle is rented**. This would significantly reduce the costs for rental and leasing companies, which currently charge an administrative fee to the presumed offender (lessee of the vehicle) for investigating this on behalf of the Member State that issues a penalty notice. By making sure that the Member State can address the actual user/keeper directly, these costs can be removed. Based on this, a measure was included to allow for the

exchange of VRD-information on the final user/keeper in cases where this information is already included in the VRD.

ANNEX 3: WHO IS AFFECTED AND HOW?

14. 1. PRACTICAL IMPLICATIONS OF THE INITIATIVE

Summary of the preferred policy option implementation

The revision of the CBE Directive aims at improving the level of road safety in the EU through the enforcement of road-safety-related traffic rules. The benefits of the preferred policy option are expected to fall on all road users, who will enjoy this increased road safety. EU citizens will benefit from equality and fairness between resident and non-resident drivers, while the strengthening of fundamental rights, on the other hand, will protect the rights of presumed offenders.

The road safety objective will be achieved by reducing the current levels of impunity of drivers of foreign-registered vehicles. This will be done both by increasing the number of road-safety-related traffic offenses covered by the Directive, and by increasing the rate of successful investigations. Indeed, the preferred policy option, option 2, extends the scope of the Directive, introduces requirements related to data content, access and processes, and introduces a tailored investigation mechanism for the cross-border exchange of information on road traffic offences.

Fundamental rights will also be strengthened via a series of measures guaranteeing fair access to information and harmonisation of processes.

Implications on road users, businesses and public authorities

While the revision of the CBE Directive is an initiative benefitting all road users, the costs will be essentially borne by Member States' administrations in charge of implementing it. These costs relate to:

- Increased activity due to the increase in the number of cases successfully investigated (compensated by the decrease in the number of offences as enforcement and compliance improve)
- Costs related to the development and use of technical solutions
- Development of templates for information letters

The European Commission would also incur some costs related to the development of technical solutions.

The initiative results in administrative cost savings for the private sector, mainly rental companies, which are likely to be affected by measure PM5 consisting in the exchange of information on the final user of the vehicle in case an offence was committed with a leased/rented vehicle. Rental/leasing companies will not have to forward penalty notices (and related reminders) to the final vehicle user anymore, therefore they would benefit from cost savings. The CBE Directive does not include any measure that negatively affects the private sector. Indirectly, as road users, some businesses could benefit from increased road safety and equality of treatment between resident and non-resident road users.

15. 2. SUMMARY OF COSTS AND BENEFITS

I. Overview of Benefits (total for all provisions) – Preferred Option (Policy option PO2A)		
Description	***Amount***	***Comments***
Direct benefits		
Equal treatment of resident and non-resident road users		By improving the investigation of road-safety-related traffic offences committed with foreign-registered vehicles, the CBE Directive ensures that EU citizens are treated fairly and that there is no discrimination between resident and non-resident road users.
Indirect benefits		
Reduction in the number of fatalities and injuries relative to the baseline (cumulative over 2025-2050)	384 lives saved and 21,405 injuries avoided	The reinforcement of the deterrence effect of the CBE Directive is expected to improve the driving behaviour of road users and to result in safer roads, with fewer accidents and therefore a reduction in fatalities and injuries.
Reduction in external costs of accidents (fatalities, serious and slight injuries), expressed as present value over 2025-2050, relative to the baseline	EUR 2,797.7 million	Indirect to society at large, due to the lives saved and injuries avoided. The deterrence effect of the CBE Directive is associated with indirect benefits in terms of road safety through better enforcement of road safety-related traffic rules. Avoidance of fatalities and injuries is reflected in this.
Reduction in road user (hassle) costs	-	The preferred policy option is expected to reduce hassle costs for road users due to improvement of the content of penalty notices and follow-up communication. However, it was not possible to quantify the reduction in costs.
Administrative cost savings related to the 'one in, one out' approach*		
Reduction in costs for the private sector, expressed as present value over 2025-2050, relative to the baseline	EUR 7.037 million	The preferred policy option is estimated to result in a cost reduction for car leasing and car rental companies at the level of EUR 7.037 million relative to the baseline, expressed as present value over 2025-2050, due to the availability of the information on the final user/keeper of the vehicle in national vehicle registers by default, since administrative activities can be partly overcome. The administrative costs savings per company are estimated at 202 EUR in 2030 and 128 EUR in 2050, relative to the baseline.

II. Overview of costs – Preferred option (Policy option PO2A)						
	Citizens/Consumers		**Businesses**		**Administrations**	
	One-off	**Recurrent**	**One-off**	**Recurrent**	**One-off**	**Recurrent**
Direct adjustment costs, expressed as present value over 2025-2050, relative to the baseline	-	-	-	-	For MS: adjustment costs to connect databases and technical solutions and to develop templates, estimated at EUR 4.61 million. For the Commission: costs to upgrade a portal for Government-to-Citizens communication and costs for providing a dedicated list of entities in different Member States that are entitled to issue information	For the Commission: costs for maintaining a portal for Government-to-Citizens communication, estimated at EUR 1.056 million.

						letters to ensure authenticity of documents, estimated at EUR 0.475 million Total for MS administrations and the Commission, estimated at EUR 5.085 million.	
Direct enforcement costs, expressed as present value over 2025-2050, relative to the baseline		-	-	-	-	-	Total for MS administrations: Enforcement costs related to the investigation of road safety traffic offences, estimated at EUR 142.9 million
Costs related to the 'one in, one out' approach							
Total	Direct adjustment costs	-	-	-	-	N/A	N/A
	Indirect adjustment costs	-	-	-	-	N/A	N/A
	Administrative costs (for offsetting)				EUR 0.435 million in 2030 and EUR 0.275 million for 2050, relative to the baseline. Per company they are estimated at 202 EUR in 2030 and 128 EUR in 2050. Expressed as present value over 2025-2050, relative to the baseline, estimated at EUR 7.037 million (or an average of 130.92 EUR per year per company over 2025-2050).	N/A	N/A

16. 3. RELEVANT SUSTAINABLE DEVELOPMENT GOALS

III. Overview of relevant Sustainable Development Goals – Preferred Option (Policy option PO2A)		
Relevant SDG	**Expected progress towards the Goal**	**Comments**
SDG # 11 *"Make cities and human settlements inclusive, safe, resilient and sustainable"* and in particular to target 11.2 *"By 2030, provide access to safe, affordable, accessible and sustainable transport systems for all, improving road safety, notably by expanding public transport, with special attention to the needs of those in vulnerable situations, women, children, persons with disabilities and older persons"*	By improving the investigation of road-safety-related traffic offences committed with foreign-registered vehicles, the deterrent effect of the CBE Directive will be reinforced. As a result, EU roads are expected to become safer for all road users. It is estimated to result in 384 lives saved and 21,405 injuries avoided over the 2025-2050 horizon, relative to the baseline.	Enforcement of legislation on behavioural risks is a core element of the Safe System Approach in road safety and a core principle of the 2020 UN "Stockholm Declaration on road safety"[94]

[94] https://www.roadsafetysweden.com/contentassets/b37f0951c837443eb9661668d5be439e/stockholm-declaration-english.pdf

ANNEX 4: ANALYTICAL METHODS

1. Description of the analytical methods used

The main model used for developing the baseline scenario for this initiative is the PRIMES-TREMOVE transport model by E3Modelling, a specific module of the PRIMES models. The model has a successful record of use in the Commission's energy, transport and climate policy assessments. In particular, it has been used for the impact assessments underpinning the "Fit for 55" package[95], the impact assessments accompanying the 2030 Climate Target Plan[96] and the Staff Working Docu-ment accompanying the Sustainable and Smart Mobility Strategy[97], the Commission's proposal for a Long Term Strategy[98] as well as for the 2020 and 2030 EU's climate and energy policy framework.

For the assessment of the impacts of the policy options an excel-based tool has been developed by Ecorys in the context of the impact assessment support study[99]. The tool draws on the Standard Cost Model for the assessment of the costs and also includes an assessment of the impacts on road safety. The excel-based tool builds extensively on data from the CARE database, and the analysis of stakeholders' feedback. The proposed measures which involve the amendment of the Directive are assumed to be implemented from 2025 onwards, so that the assessment has been undertaken for the 2025-2050 period and refers to EU27. Costs and benefits are expressed as present value over the 2022-2050 period, using a 3% discount rate.

PRIMES-TREMOVE model

The PRIMES-TREMOVE transport model projects the evolution of demand for passengers and freight transport, by transport mode, and transport vehicle/technology, following a formulation based on microeconomic foundation of decisions of multiple actors. Operation, investment and emission costs, various policy measures, utility factors and congestion are among the drivers that influence the projections of the model. The projections of activity, equipment (fleet), usage of equipment, energy consumption and emissions (and other externalities) constitute the set of model outputs.

The PRIMES-TREMOVE transport model can therefore provide the quantitative analysis for the transport sector in the EU, candidate and neighbouring countries covering activity, equipment, energy and emissions. The model accounts for each country separately which means that the detailed long-term outlooks are available both for each country and in aggregate forms (e.g. EU level).

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95 Delivering the European Green Deal | European Commission (europa.eu)
96 SWD(2020)176 final.
97 EUR-Lex - 52020SC0331 - EN - EUR-Lex (europa.eu)
98 Source: 2050 long-term strategy (europa.eu)
99 The analysis in this section is based on the Ecorys et al. (2022), Impact Assessment support study for the revision of Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences, and on the analysis of stakeholders' feedback.

In the transport field, PRIMES-TREMOVE is suitable for modelling *soft measures* (e.g. eco-driving, labelling); *economic measures* (e.g. subsidies and taxes on fuels, vehicles, emissions; ETS for transport when linked with PRIMES; pricing of congestion and other externalities such as air pollution, accidents and noise; measures supporting R&D); *regulatory measures* (e.g. CO_2 emission performance standards for new light duty vehicles and heavy duty vehicles; EURO standards on road transport vehicles; technology standards for non-road transport technologies, deployment of Intelligent Transport Systems) and *infrastructure policies for alternative fuels* (e.g. deployment of refuelling/recharging infrastructure for electricity, hydrogen, LNG, CNG). Used as a module that contributes to the PRIMES model energy system model, PRIMES-TREMOVE can show how policies and trends in the field of transport contribute to economy-wide trends in energy use and emissions. Using data disaggregated per Member State, the model can show differentiated trends across Member States.

The PRIMES-TREMOVE has been developed and is maintained by E3Modelling, based on, but extending features of, the open source TREMOVE model developed by the TREMOVE[100] modelling community. Part of the model (e.g. the utility nested tree) was built following the TREMOVE model.[101] Other parts, like the component on fuel consumption and emissions, follow the COPERT model.

Data inputs

The main inputs to the PRIMES-TREMOVE model, such as for activity and energy consumption, come from the EUROSTAT database and from the Statistical Pocketbook "EU transport in figures[102]. Excise taxes are derived from the DG TAXUD excise duty tables. Other data come from different sources such as research projects (e.g. TRACCS project) and reports. In the context of this exercise, the PRIMES-TREMOVE transport model is calibrated to 2005, 2010 and 2015 historical data. Available data on 2020 market shares of different powertrain types have also been taken into account.

'Impunity model'

The impact of policy measures on costs and on road safety is identified through a framework that is specifically designed for the assessment of road safety within the context of the CBE Directive. The model is conceptually built on the rationale behind the CBE Directive.

The model consists of two stages. In the first stage, the extent to which measures remove impunity of non-national offender is estimated in quantitative terms. In the second stage, the removed impunity is, via a change in driver behaviour, 'translated' into a reduction of accidents.

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[100] Source: https://www.tmleuven.be/en/navigation/TREMOVE

[101] Several model enhancements were made compared to the standard TREMOVE model, as for example: for the number of vintages (allowing representation of the choice of second-hand cars); for the technology categories which include vehicle types using electricity from the grid and fuel cells. The model also incorporates additional fuel types, such as biofuels (when they differ from standard fossil fuel technologies), LPG, LNG, hydrogen and e-fuels. In addition, representation of infrastructure for refuelling and recharging are among the model refinements, influencing fuel choices. A major model enhancement concerns the inclusion of heterogeneity in the distance of stylised trips; the model considers that the trip distances follow a distribution function with different distances and frequencies. The inclusion of heterogeneity was found to be of significant influence in the choice of vehicle-fuels especially for vehicles-fuels with range limitations.

[102] Source: https://ec.europa.eu/transport/facts-fundings/statistics_en

Stage I: impact of policy measures on impunity

In the first stage, the 'sense of impunity' for drivers in foreign registered vehicles is estimated. The sense of impunity is indicated by the share/number of offences, committed by foreign drivers, in which drivers do not face the consequences of their actions. Foreign road users do not suffer the consequences from committing a road traffic offence in the following situations:

a) The offence is not automatically detected;

b) The automatically detected offence does not fall under the scope of the CBE Directive and the offence cannot be investigated under the CBE Directive;

c) The automatically detected offence is investigated, but the presumed offender does not receive a penalty notice;

d) The offender does not pay the penalty notice voluntarily;

e) The financial penalty is not paid voluntarily and the penalty notice is not enforced.

The five situations described above are considered sequentially. The process, between an offender committing an offence and the sanction being enforced, follows several steps (i.e. the detection, investigation and enforcement stage). When the impunity situations are brought together in the model, the following indicators are included:

A. The total number of traffic offences committed per type of offence (speeding, red light, etc);
B. The share of these offences that is committed by vehicles with a foreign license plate;
C. The total number of offences, committed by vehicles with a foreign license plate;
D. The number of detected offences committed by foreign registered vehicles within the scope;
E. The number of detected offences committed by foreign registered vehicles outside the scope;
F. The number of penalty notices provided;
G. The number of offences without a penalty notice being sent;
H. The number of voluntarily paid penalty notices;
I. The number of penalty notices not paid voluntarily;
J. The number of enforced sanctions (e.g. through court cases);
K. The number of non-enforced sanctions.

These indicators are linked together through the following equations:

$C = A \times B$
$C = D + E$
$D = F + G$
$F = H + I$
$I = J + K$

The five impunity situations, described above, enter the model through indicators E, G and K. Offences that are not included under the scope of the CBE Directive, are included under indicator E (impunity situation b)). When the offence is detected, but the penalty notice is not provided to the presumed offender, this is included in the model under indicator G (impunity situation c)). Finally, if the offender does not pay the financial penalty voluntarily and it cannot be enforced, the offender does not suffer the consequences for their action under indicator K (impunity situation d) and impunity situation e)).

It should be noted that impunity situation a), concerning the automatic detection of the offence, is not directly included in the model. If the number of automatic detection equipment increases, this

would decrease impunity for drivers in foreign and domestic registered vehicles. This impunity situation could be captured under indicator A, but also affects domestic drivers. Hence, this impunity situation is broader than the CBE Directive that mainly facilitates the exchange of information for already detected offences and enforcement. The CBE Directive therefore mainly aims to address indicators E, G and K.

The model shows the breakdown of some indicators into two separate indicators (such as C consisting of D and E). By expressing indicators D, E, F, G, H, I, J and K in percentages instead of absolute values, the following equations result:

$D = 1 - E$
$F = 1 - G$
$H = 1 - I$
$J = 1 - K$

The added value of these additional equations is that the impunity factors (E, G and K) can be derived from other indicators. For example, when there is information that 80% of detected offences result in a penalty notice (indicator F), one can conclude that 20% detected offences have not resulted in the presumed offender receiving a penalty notice (indicator G).

Specific policy measures aim to address specific impunity factors. For example, a policy measure aimed a better identification of the offender is expected to have an impact on indicator F (the number of investigated offences, which will increase) and consequently also on G (the number of non-investigated offences, which will go down).

Stage II: impact of reduced impunity on road safety

The results of Stage I is the impact of individual policy measures (and policy options) on the number of drivers in foreign registered vehicles for which the impunity of committing a traffic offence is reduced. In Stage II the reduction in impunity is translated in changes in road user behaviour and consequently in road safety.

First, a relationship between the reduced impunity and driving behaviour is established. According to the literature[103], around 60% of the randomly selected road users indicated that they have adapted their driving behaviour after being caught speeding while 40% indicated that this did not have an impact on their driving behaviour. This is complemented by a meta-analysis of studies in the UK, Singapore, Great-Britain, Australia, the Netherlands and Canada, where it was found that traffic light enforcement reduced the number of violations by around 50%[104]. This suggests that if more offences are detected, investigated and enforced a significant number of drivers will adapt their driving behaviour, although a non-negligible share will not.

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[103] Alonso, F., Esteban, C., Calatayud, C., & Sanmartín, J. (2013). Speed and road accidents: Behaviors, motives, and assessment of the effectiveness of penalties for speeding. American Journal of Applied Psychology, 1(3), 58–64. doi:10.12691/ajap-1-3-5. https://www.researchgate.net/publication/260790064_Speed_and_road_accidents_behaviors_motives_and_assessment_of_the_effectiveness_of_penalties_for_speeding

[104] Richard A. Retting , Susan A. Ferguson & A. Shalom Hakkert (2003). Effects of Red Light Cameras on Violations and Crashes: A Review of the International Literature, Traffic Injury Prevention, 4(1), 17-23 https://pubmed.ncbi.nlm.nih.gov/14522657/

In the assessment, it has been assumed that in the first year of the implementation of the policy measures (2025) driving behaviour will remain unchanged, resulting in more detected offences. In the second year of the implementation of the policy measure, 60% of drivers that committed an offence in the first year adapt their driving behaviour. After that, there are no additional drivers that adapt their behaviour, but the drivers that adapted their behaviour in the second year will continue to drive more safely over the entire assessment period.

Second, a relationship is established between enforcement and road safety. Data has been obtained from the European Transport Safety Council (ETSC)[105] on the number of speeding tickets issued[106] during the period 2010-2017. Data is available for 22 Member States and in addition the UK. Data on the number of road fatalities and injuries is available from the CARE database and the EU transport in figures - Statistical Pocketbook[107]. Over the period 2010-2017, the number of speeding tickets issued increased by 33% while the number of road fatalities decreased by 22%[108]. The reason for an inverse relationship is that the total number of speeding offences cannot be observed. Instead, only detected (and sanctioned) speeding offences are observed. If the number of speeding tickets issued goes up, this could be because more offences are committed or because a larger share of committed offences are detected or a combination of both. This inverse relationship is also found by ETSC[109] and used as assumption in the literature.

The estimated impact of traffic rules enforcement draws on Elvik et al. (2015)[110]. This study, conducted in the framework of the RoadSafetyCube, found that a 1% increase in the speed enforcement level is associated with 0.6% to 0.7% decrease in the number of road accidents. For this assessment, the impacts estimated by Elvik et al. (2015) are scaled down for two reasons. On the one hand, the impact estimated by Elvik et al. (2015) considers a general increase in speed enforcement which is applicable to all road users. It should be noted that the Stage I model only provides results on enforcement for road users in foreign registered vehicles. Hence, the output of the Stage I model only concerns a subset of road users for which the intensity of enforcement is increased. The second adjustment concerns the type of roads, where it is expected that foreign registered vehicles in general drive on roads on which fewer accidents happen. The two adjustments are discussed below.

The CARE database includes information on the number of fatalities and injuries by Member State and by year. For many Member States it also provides the number of fatalities in which (at least) one vehicle had a foreign licence plate, although this does not necessarily indicate that the driver of this vehicle was committing a traffic offence. Data on factors contributing to the accidents is not available in the CARE database. The shares of fatal accidents, in which at least one foreign registered vehicle was involved, are presented in Table 16.

Table 4: Percent of fatal accidents in which at least one foreign registered vehicle was involved, all roads

[105] https://etsc.eu/reducing-speeding-in-europe-pin-flash-36/.

[106] Although the CBE Directive covers more traffic offences than speeding, speeding accounts for the majority of requests made through EUCARIS. In 2019, speeding accounted for 96% of the requests made through EUCARIS.

[107] Statistical pocketbook 2021 (europa.eu)

[108] More than 80% of speeding tickets issued were linked to offences detected with fixed automatic or 'time/distance' cameras.

[109] https://etsc.eu/reducing-speeding-in-europe-pin-flash-36/

[110] Elvik, R. (2015). Methodological guidelines for developing accident modification functions. Accident Analysis & Prevention 80(3), 26-36. https://www.sciencedirect.com/science/article/pii/S0001457515001232?via%3Dihub

Member State	2016	2017	2018	Weighted average over 2016 - 2018
AT	17%	19%	14%	**17%**
BE	13%	14%	14%	**14%**
BG	7%	8%	10%	**8%**
CZ	10%	10%	10%	**10%**
DE	9%	9%	10%	**9%**
DK	11%	17%	21%	**16%**
EL	5%	3%	4%	**4%**
FR	5%	2%	3%	**3%**
HR	18%	13%	17%	**16%**
HU	11%	12%	12%	**12%**
LV	15%	10%	8%	**11%**
LU	17%	33%	32%	**27%**
MT	0%	0%	0%	**0%**
NL	7%	6%	9%	**7%**
RO	13%	11%	9%	**11%**
SE	0%	11%	6%	**6%**
SI	15%	15%	23%	**17%**
SK	12%	15%	13%	**13%**

Source: Ecorys (2022), Impact Assessment support study

Based on Table 16, it is assumed that foreign road users are, on average, engaged in 10% of all (fatal) road accidents. This means that a change in intensity of enforcement for foreign road users only has the potential to affect 10% of all (fatal) accidents. Hence, the impact of enforcement from Elvik et al. (2015) is only applied to 10% of all road accidents, as these are road accidents in which (at least) one foreign driver is involved.

The second adjustment concerns the type of roads: most road users in foreign registered vehicles are expected to mainly drive on motorways, especially in transit countries. In most Member States, not many accidents occur on motorways. In 2018, around 53% of road fatalities occurred on inter-urban/trunk roads, 38% occurred on urban roads and 'only' 9% on motorways[111]. In the assessment, it has been assumed that foreign registered drivers are more likely to drive on safer roads and therefore the shares have been kept constant over time in the baseline scenario. Hence, the impact of enforcement on motorways is likely to have a smaller impact than enforcement on other road types.

The impact of impunity can be 'translated' in a reduction of road accidents. Elvik et al. (2015) estimates the impact of a 1% increase in speed enforcement to result in a -0.6% to a -0.7% reduction in road fatalities. This effect is scaled down in our assessment, because foreign road users only account for a subset of the total number of fatalities in EU Member States, and because foreign road users usually tend to drive on safer roads (motorways). Therefore, the estimate of Elvik et al. (2015) is scaled down to an assumed -0.1% due to the route choice of foreign registered vehicles, and is only applied to 10% of all accidents that occur in the baseline that are assumed to involve a non-national driver.

2. Baseline scenario

[111] https://ec.europa.eu/commission/presscorner/detail/en/qanda_20_1004

In order to reflect the fundamental socio-economic, technological and policy developments, the Commission prepares periodically an EU Reference Scenario on energy, transport and GHG emissions. The socio-economic and technological developments used for developing the baseline scenario for this impact assessment build on the latest "EU Reference 2020 scenario" (REF2020)[112]. The same assumptions have been used in the policy scenarios underpinning the impact assessments accompanying the "Fit for 55" package[113].

Main assumptions of the Baseline scenario

The main assumptions related to economic development, international energy prices and technologies are described below.

Economic assumptions

The modelling work is based on socio-economic assumptions describing the expected evolution of the European society. Long-term projections on population dynamics and economic activity form part of the input to the model and are used to estimate transport activity, particularly relevant for this impact assessment. Population projections from Eurostat[114] are used to estimate the evolution of the European population, which is expected to change little in total number in the coming decades. The GDP growth projections are from the Ageing Report 2021[115] by the Directorate General for Economic and Financial Affairs, which are based on the same population growth assumptions.

Table 18: Projected population and GDP growth per Member State

	Population			GDP growth	
	2020	2025	2030	2020-'25	2026-'30
EU27	447.7	449.3	449.1	0.9%	1.1%
Austria	8.90	9.03	9.15	0.9%	1.2%
Belgium	11.51	11.66	11.76	0.8%	0.8%
Bulgaria	6.95	6.69	6.45	0.7%	1.3%
Croatia	4.06	3.94	3.83	0.2%	0.6%
Cyprus	0.89	0.93	0.96	0.7%	1.7%
Czechia	10.69	10.79	10.76	1.6%	2.0%
Denmark	5.81	5.88	5.96	2.0%	1.7%
Estonia	1.33	1.32	1.31	2.2%	2.6%
Finland	5.53	5.54	5.52	0.6%	1.2%
France	67.20	68.04	68.75	0.7%	1.0%
Germany	83.14	83.48	83.45	0.8%	0.7%
Greece	10.70	10.51	10.30	0.7%	0.6%
Hungary	9.77	9.70	9.62	1.8%	2.6%
Ireland	4.97	5.27	5.50	2.0%	1.7%
Italy	60.29	60.09	59.94	0.3%	0.3%
Latvia	1.91	1.82	1.71	1.4%	1.9%
Lithuania	2.79	2.71	2.58	1.7%	1.5%

[112] EU Reference Scenario 2020 (europa.eu)
[113] Policy scenarios for delivering the European Green Deal (europa.eu)
[114] EUROPOP2019 population projections: Eurostat - Data Explorer (europa.eu)
[115] The 2021 Ageing Report : Underlying assumptions and projection methodologies The 2021 Ageing Report: Underlying Assumptions and Projection Methodologies | European Commission (europa.eu)

	Population			GDP growth	
	2020	2025	2030	2020-'25	2026-'30
Luxembourg	0.63	0.66	0.69	1.7%	2.0%
Malta	0.51	0.56	0.59	2.7%	4.1%
Netherlands	17.40	17.75	17.97	0.7%	0.7%
Poland	37.94	37.57	37.02	2.1%	2.4%
Portugal	10.29	10.22	10.09	0.8%	0.8%
Romania	19.28	18.51	17.81	2.7%	3.0%
Slovakia	5.46	5.47	5.44	1.1%	1.7%
Slovenia	2.10	2.11	2.11	2.1%	2.4%
Spain	47.32	48.31	48.75	0.9%	1.6%
Sweden	10.32	10.75	11.10	1.4%	2.2%

Beyond the update of the population and growth assumptions, an update of the projections on the sectoral composition of GDP was also carried out using the GEM-E3 computable general equilibrium model. These projections take into account the potential medium- to long-term impacts of the COVID-19 crisis on the structure of the economy, even though there are inherent uncertainties related to its eventual impacts. Overall, conservative assumptions were made regarding the medium-term impacts of the pandemic on the re-localisation of global value chains, teleworking and teleconferencing and global tourism.

International energy prices assumptions

Alongside socio-economic projections, transport modelling requires projections of international fuel prices. The projections of the POLES-JRC model – elaborated by the Joint Research Centre and derived from the Global Energy and Climate Outlook (GECO[116]) – are used to obtain long-term estimates of the international fuel prices. The table below shows the oil prices assumptions of the baseline and policy options of this impact assessment.

Table 19: Oil prices assumptions

	2015	2020	2030	2040	2050
in $'15 per boe	52.3	39.8	80.1	97.4	117.9
in €'15 per boe	47.2	35.8	72.2	87.8	106.3

Source: Derived from JRC, POLES-JRC model, Global Energy and Climate Outlook (GECO)

Technology assumptions

Modelling scenarios are highly dependent on the assumptions on the development of technologies - both in terms of performance and costs. For the purpose of the impact assessments related to the "Climate Target Plan" and the "Fit for 55" policy package, these assumptions have been updated based on a rigorous literature review carried out by external consultants in collaboration with the JRC. Continuing the approach adopted in the long-term strategy in 2018, the Commission consulted on the technology assumption with stakeholders in 2019. In particular, the technology database of the PRIMES and PRIMES-TREMOVE models (together with GAINS, GLOBIOM, and CAPRI) benefited from a dedicated consultation workshop held on 11th November 2019. EU Member States representatives also had the opportunity to comment on the costs elements during a workshop held on 25th November 2019. The updated technology assumptions are published together with the EU

[116] https://ec.europa.eu/jrc/en/geco

Reference Scenario 2020[117]. The same assumptions have been used in the context of this impact assessment.

Policies in the Baseline scenario

Building on the EU Reference scenario 2020, the baseline scenario for this impact assessment has been designed to include the initiatives of the 'Fit for 55' package[118]. It also assumes the implementation of the General Safety Regulation (Regulation (EU) 2019/2144). The Baseline scenario assumes no further EU level intervention beyond the current CBE Directive.

Baseline scenario results

Evolution of the number of fatalities and injuries. In the baseline scenario, the number of fatalities is projected to decrease by 23% by 2030 relative to 2015 and by 30% by 2050 relative to 2015[119]. The number of serious and slight injuries is projected to decrease at lower rate (by 18% between 2015 and 2030 and by 25% for 2015-2050). This is despite the increase in traffic over time. Relative to 2020, that reflects the impact of the COVID-19 pandemic, the number of fatalities and slight injuries is projected to decrease by 3% by 2030 while the number of serious injuries is projected to remain relatively stable. By 2050, the number of fatalities would be 13% lower relative to 2020 while the number of serious injuries would be 10% lower and that of slight injuries 11% lower. Thus, the targets of the *EU Road Safety Policy Framework 2021-2030 – Next steps towards "Vision Zero"*, of reducing the number of road deaths by 50% between 2020 and 2030 as well as reducing the number of serious injuries by 50% in the same period, would not be met. In addition, this is still far from the goal of the *Sustainable and Smart Mobility Strategy* of close to zero death toll for all modes of transport in the EU by 2050.

Evolution of the number of detected offences. In the assessment a distinction is made between offences that are already detected on a large scale (without identification of the driver) by Member States[120], such as speeding and failure to stop at a red light, and offences for which this is currently not the case, such as drink-driving or the use of a mobile phone behind the wheel.

The evolution of the *number of speeding detected offences* depends on four factors:

- The number of kilometres driven. If the number of kilometres driven increases, it is assumed that (proportionally) more offences are detected.
- Technological innovations within vehicles (such as Intelligent Speed Assist). If in-car technology is able to reduce (unintentional) speeding, the number of detected offences is expected to decrease.
- Awareness of local traffic rules. The more familiar drivers are with local traffic rules, the more likely it is that they will not commit offences (unintentionally).
- Number of automatic checking equipment. The more checking equipment is installed, the larger the number of detected offences is expected to be (and the higher the deterrence effect is).

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[117] EU Reference Scenario 2020 (europa.eu)
[118] Delivering the European Green Deal | European Commission (europa.eu)
[119] Projections refer to injuries in which a passenger vehicle, a light commercial vehicle, a bus or a truck is involved (power two wheelers are not included in the projections).
[120] Based on Member States input during surveys and interviews, speeding and failure to stop at a red light are detected on a large scale by Member States.

In the baseline scenario, the number of kilometres driven in the EU is projected to increase by 0.6% per year on average between 2015 and 2050.

Concerning technological innovations, the General Safety Regulation (GSR) requires all new motor vehicles to be equipped with Intelligent Speed Assist (ISA) from 2022. Intelligent Speed Assist will likely reduce 'unintentional speeding' as it provides the driver with a warning if a speed limit is exceeded, although the system can be overridden if a driver chooses to driver faster. Although it is difficult to estimate the impact of ISA on the number of speed violations, SWOV (2015)[121] estimates the mean speed on roads to decrease by 2 to 7 km/h. Linking this to the speed levels observed in Member States (ranging from 50 km/h to 130 km/h), it implies that the mean speed decreases by 2% to 15%. In the analysis, it is assumed that a decrease of the mean speed by 15% is associated to a similar decrease in the number of speeding offences committed. This is considered to be a conservative approach for the assessment of the policy options, as it leads to the steepest decline in the number of speeding offences detected in the baseline.

However, the penetration rate of ISA in the EU vehicle fleet only gradually increases over time, as a result of the implementation of the General Safety Regulation. The uptake of ISA, all else equal, is estimated to result in a reduction of the number of speeding offences by 1% per year. By 2037 it is projected that the EU fleet would be renewed and all vehicles would be fitted with ISA-systems[122]. Hence, no further reduction in the number of speeding offences due to ISA is assumed post-2037. It should be noted however that in-car technology will mainly affect speeding offences, since it is not used to prevent e.g. an offence of failure to stop at a red light.

Considering the awareness of local traffic rules, with the implementation of ISA-systems (in which vehicles are able to 'read' the traffic signs) and the increased usage of navigation software that include local speed limits (such as hardware devices from TomTom or mobile apps such as Google Maps and Waze) the difference between domestic and foreign drivers is likely to be negligible. Therefore, in the baseline scenario it is assumed that the number of detected offences is not affected by a change in awareness of local traffic rules. Even if the implementation of ISA affects the awareness of local traffic rules, the effect of ISA on the number of speeding offences is already captured under the 'in-car technology' factor.

The last factor that is considered concerns the checking equipment installed. Although Member States indicated in the context of stakeholders' consultation that the number of checking equipment may increase over time, it is unclear to what extent the number of cameras will increase in the baseline scenario. As no quantitative estimate is available, a conservative assumption is used where the number of cameras remains constant in the baseline scenario. This assumption is considered to be conservative, as an increase in the number of checking equipment would imply an increase in the number of detected offences and further need to revise the CBE Directive.

For other types of offences, in the baseline scenario it has been assumed that the *number of detected offences* would increase in line with the number of kilometres driven. This is a conservative assumption, as it is likely that more offences will also be detected as a result of an increased availability of sophisticated checking equipment. However, such impact was not possible to quantify.

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[121] SWOV (2015). Fact sheet on Intelligent Speed Assist. https://swov.nl/sites/default/files/publicaties/gearchiveerde-factsheet/uk/fs_isa_uk_archived.pdf

[122] This assumption is consistent with the impact assessment accompanying the proposal for the General Safety Regulation (SWD(2018) 190 final).

Drawing on the assumptions explained above, the number of detected offences committed by foreign registered vehicles without driver identification on the spot is estimated to reduce in the baseline by 2040, from 14.5 million in 2019 to 13.9 million in 2030 and 13.8 million in 2040 (4% reduction relative to 2019). Post-2040, the number of detected offences is projected to increase again, to 14.7 million by 2050, as the increase in traffic outweighs the positive impacts of the new vehicle technology assisting drivers, driven by the General Safety Regulation[123]. Around 98% of these detected offences fall in the scope of the CBE Directive. The number of offences where the offender is not held accountable is also projected to reduce over time by 2040, from 6.3 million in 2019 to 6 million in 2030 and 2040. By 2050, the number of offences where the offender is not held accountable would go up to 6.4 million, driven by the increase in the number of detected offences. The share of offences where the offender is not held accountable is projected to remain relatively constant over time, at around 43%.

Table 20: Projected evolution of impunity under the baseline scenario (in millions)

	2019	2030	2040	2050
Number of detected offences	14.5	13.9	13.8	14.7
Number of successfully investigated offences	11.5	11.0	10.9	11.6
Number of voluntary payments	8.0	7.7	7.7	8.1
Number of sanctions that need enforcement (no voluntary payment)	3.4	3.3	3.3	3.5
Number of successfully enforced sanctions	0.2	0.2	0.2	0.2
Number of unsuccessfully enforced sanctions	3.3	3.1	3.1	3.3
Number of failed investigations	3.0	2.9	2.9	3.1
Total number of payments made	*8.2*	*7.9*	*7.8*	*8.3*
Total number of offences where offender is not held accountable	*6.3*	*6.0*	*6.0*	*6.4*
Share of offences committed with impunity	*43.3%*	*43.4%*	*43.5%*	*43.5%*

Source: Ecorys (2022), Impact Assessment support study

Costs for public authorities. The total costs for public authorities for implementing the CBE Directive are estimated to decrease from EUR 105.4 million in 2019 to EUR 77.8 million in 2030 and EUR 57 million in 2050 (see Table 20), mainly driven by the reduction in the detected offences and thus of the investigation costs. More details are provided below.

Table 21: Costs for public authorities for implementing the CBE Directive in the baseline scenario (in million EUR)

	2019	2030	2040	2050
Total investigations costs	70.9	44.9	30.4	22.1
Total mailing costs for successfully investigated offences	34.5	33.0	32.8	34.9
Total costs for public administrations	105.4	77.8	63.3	57.0

[123] Regulation (EU) 2019/2144

Source: Ecorys (2022), Impact assessment support study

Investigation costs. Based on stakeholders' consultation, the investigation time per foreign registered offence is currently around 15 minutes. Investigation time however differs by Member State, likely depending on the legal liability regime adopted and the degree to which the process is automated. Based on information from Eurostat (2021)[124], the annual labour costs for administrative and support services was around EUR 20 per hour in 2019. Thus, investigation costs at EU level are estimated at EUR 5 per detected offence in 2019.

The time spent on investigation depends to a large extent on whether the process is automated or not. Member States that adopt an automated system, and adopt an owner/holder liability regime, generally have an investigation time between 1 and 3 minutes. In the baseline scenario, a decrease in the investigation time of 5% per year has been assumed. The investigation time is thereby estimated at 15 minutes in 2019, 8.5 minutes in 2030, 5.1 minutes in 2040 and 3.1 minutes in 2050. Implicitly, this assumes that all Member States would have some form of automated process to investigate traffic offences (e.g. read the license plate, make a request in EUCARIS and submit the penalty notice) by 2050. At the same time, the labour costs for conducting investigations has been assumed to increase in line with the GDP projections. This means that the labour costs would go up to EUR 23.2 per hour in 2030 and EUR 30.2 per hour by 2050. Thus, the investigation costs per detected offence would decrease from EUR 5 in 2019 to EUR 3.3 in 2030 and EUR 1.5 in 2050.

Mailing costs for successfully investigated offences. The postal charges for sending regular mail within EU are estimated to be between EUR 1 and 2, and the postal charges for registered mail are estimated at EUR 4 to 5 [125,126,127,128,129]. Based on desk research in the context of the impact assessment support study, it was found that Germany[130], the Netherlands[131], Belgium[132] and France[133] generally use 'standard' mail for sending penalty notices, and that Italy[134] and Spain[135] require the information letter to be sent via registered mail[136]. In the baseline scenario, it has thus been assumed that 50% of the letters are sent via registered mail and 50% via standard mail. Thus, the mailing cost per penalty notice sent abroad within EU was estimated at EUR 3.

In the baseline scenario, it is assumed that penalty notices would still need to be send via postal services. The degree to which digital submission of penalty notice is implemented at the EU level is very limited. Moreover, a digitised procedure also requires Member States to ensure that non-residents are able to access the database, and that these non-residents are informed on this practice. Since there is currently no development in such direction, it has been assumed that penalty notices still need to be provided to presumed offenders in the form of a hardcopy mail.

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[124] https://ec.europa.eu/eurostat/databrowser/view/LC_LCI_LEV__custom_1125792/default/table?lang=en
[125] https://www.deutschepost.de/de/p/portoberater.html#/Brief/International/Rechteckig/bis_235_x_125_mm/bis_20_g/Guenstig
[126] https://www.postnl.nl/versturen/brief-of-kaart-versturen/brief-of-kaart-buitenland/
[127] https://www.bpost.be/nl/tarieven
[128] https://www.poste.it/gamma/lettera.html
[129] https://cennik.poczta-polska.pl/usluga,zagraniczny_przesylka_listowa.html
[130] https://www.bussgeldkatalog.org/bussgeldbescheid/per-einschreiben/
[131] https://wetten.overheid.nl/BWBR0004581/2021-01-01
[132] https://www.verkeerszaken.be/artikel/a/97/Wat-u-moet-weten-over-www-verkeersboeten-be
[133] https://www.comparateur-stagespermis.com/infractions-et-amendes
[134] https://quifinanza.it/info-utili/notifica-multa-quando-avviene/316997/
[135] https://motor.elpais.com/conducir/no-sabes-si-te-han-puesto-una-multa-aqui-puedes-enterarte/
[136] It should be noted that some Member States, such as Belgium and France, do sent letters via registered mail if no payment is made after the first letter has been sent via ordinary mail.

Concerning the translation of documents, the analysis in the context of the impact assessment support study (based on interviews with Member States) indicates that many public authorities have templates for sending information letters abroad (which are translated in the EU languages). Therefore, no additional costs for translating the information letters are assumed in the baseline scenario.

3. Impacts by policy measure on costs

This section explains the inputs used and provides the assessment of the impacts of the policy measures included in the policy options on costs.

PM1 – Extend the scope of the CBE Directive to other road-safety related traffic offences

This measure has an impact on the costs for public authorities. PM1 increases the number of offences that will be covered by the Directive. By including other offences in the scope of the Directive, the number of detected offences is projected to increase by 2% relative to the baseline over 2025-2050 period. The additional number of launched investigations is expected to result in additional enforce-ment costs for the public authorities relative to the baseline. They are estimated at EUR 724,000 in 2030, EUR 685,000 in 2040 and EUR 617,000 in 2050. Expressed as present value over 2025-2050, the enforcement costs for public authorities relative to the baseline are estimated at EUR 14 million.

PM2 – Establish mandatory minimum data content of vehicle registers necessary for the investigation of traffic offences

This measure has an impact on the costs for public authorities. PM2 aims to extend the minimum data content of vehicle registers in Annex I of the CBE Directive. For EUCARIS several steps have to be taken for the provision of new data, which lead to one-off adjustment costs for public authorities:

- First, it needs to be ensured that the information is available in the registers of the Member States that have to provide it[137]. If the focus is on information that is available in the national registries, the data has to be included in the international message exchange provided for by EUCARIS. For EUCARIS, the development, testing and deployment of some additional optional fields would be a minor adaptation and is estimated to take around 100 man-hours, or around EUR 10,000 at the EU level assuming a cost per man-hour of EUR 100 for specialised support. Since the costs would be shared by the 27 Member States, the costs per Member State are estimated at EUR 370. These represent one-off adjustment costs for the public authorities.
- Second, the web client for EUCARIS would need to be adapted to enable enforcement authorities to make requests and to see the responses. This is estimated by EUCARIS at an additional 370 EUR per Member State, which corresponds to EUR 10,000 at the EU level (100 man-hours at a cost per man-hour of EUR 100). These represent one-off adjustment costs for the public authorities.
- Third, all vehicle registration authorities have to adapt their data services that make the data available to EUCARIS. The costs depend on what local system is used, on the development methods and the local tariff. EUCARIS estimates that as data services are not shared, the costs

[137] The information on the vehicle type is already required per Council Directive 1999/37/EC on the registration documents for vehicles.

would roughly amount to EUR 10,000 per Member State in 2025. These represent one-off adjustment costs for the public authorities, taking place in 2025.

The total one-off adjustment costs for public authorities are thus estimated at EUR 290,000 in 2025, on average EUR 10,740 per Member State relative to the baseline.

In addition, the measure results in larger number of detected offences being successfully investigated and therefore more penalty notices being issued. This however represents the joint impact of PM2, PM3 and PM4 as it was not possible to assess the impact of each of these measures individually. The impact on enforcement costs for public authorities, is estimated at EUR 284,000 in 2030, relative to the baseline, EUR 244,000 in 2040 and EUR 279,000 in 2050. Expressed as present value over 2025-2050 the enforcement costs for public authorities relative to the baseline are estimated at EUR 5.720 million.

PM3 – Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request

PM3 aims to ensure that the information on the previous owner/holder of a vehicle is held for a specific time in the national VRDs, to be able to provide/disclose these upon request. Although the information of previous owners/holders may have been exchanged through EUCARIS, the system does not store any exchanged information or data, from any period. It acts only as a platform to exchange data between the Member States. Thus, under this measure public administrations should (upon request) have this information available for investigation purposes.

This requires the increase of storage size of Member States' VRDs. From a technological perspective, the type of information to be held for a specific time period is in text format, meaning that the size per entry would not exceed more than a couple of megabytes[138]. Some Member States will have more data to store than others (depending on entries that Member States include in their VRD). However, even for these countries the storage size would be small, which have a negligible cost from an IT perspective. Hence, it is assessed that the adjustment costs for public authorities of PM3 are negligible.

On the other hand, due to PM3 a larger number of detected offences would be successfully investigated and therefore more penalty notices would be issued. As already explained, the joint impact of PM2, PM3 and PM4 has been assessed as it was not possible to assess the impact of each of these measures individually.

PM4 – Ensure access to other data registers (other than VRD) through a single system

There are two elements of this measure, which aims to ensure access to data registers other than the VRDs through the EUCARIS system:

- Providing access to SIS to check for stolen vehicles could be done through EUCARIS, provided a legal base and permission to retrieve that information. The check could also be carried out through the information provided by Member States and be included in the CBE message by the national data services, which is however much more expensive;

[138] To illustrate, the storage of images and videos are much heavier in size, therefore may lead to a necessity to increase the storage space of the VRDs which is not the case for this policy measure.

- Access to RESPER for the sole purpose of enforcement could be made possible for the user group that has access to CBE EUCARIS.

For access to RESPER, the use cases could be:

- Police officers checking the driving licence details, or looking up the actual address of a person who was stopped because of an observed offence. The search could be made by driving licence number or by name and date of birth;
- Debt collection/recovery companies that want to verify the address of the owner/holder of the vehicle, via a search by name and date of birth (through a national contact point). In some countries the driving licence registry might contain more actual address data than the vehicle registry. However, this should be checked at the Member State level;
- On-board equipment is likely to give access in the future to the identity of the actual driver of a vehicle, which may solve the liability dispute;
- RESPER might be useful for enforcement purposes and already has a legal base in the Driving Licence Directive. From a technical perspective the services already exist (i.e. both the search by driving licence number and the search by name). The effort and costs for EUCARIS and the information provided by registration authorities would be very limited and mainly have to do with user authorization. An issue could however be that in some countries the Driving licence registry and Vehicle registry are not at the same authority. There is also a difference between the automated and manual identification of an offender, i.e. done by a camera or a police officer stop. A search via the name of the offender may bring up multiple hits on the address (i.e. owner/holder information or driving licence-affiliated information). At the moment, the driving licence address is not yet available within the CBE Directive, and the penalty notice is sent according to the information found in the national VRD.

The costs for interoperability of the systems are to be covered at both levels: EUCARIS and MS public authorities. There are no fees for the exchange of information, only for the development of the software and a basic fee per connection, for overall IT tasks (e.g. monitoring of the system) and to support Member States in keeping the system up and running. The costs may also differ depending on the organisation at national level: if the driving licence information is at another authority and no connection exists, then the costs may be higher at national level. There is the possibility to create a new interface between the systems (the man-hours and software development may add up around EUR 50,000).

It should be noted however, that overall, these costs are likely not to be substantial. In the assessment, a conservative assumption has been made in which all Member States are faced with one-off adjustment costs of EUR 50,000 relative to the baseline, bringing the total one-off costs for the EU27 at EUR 1.350 million in 2025.

As a result of PM4, more offences are expected to be successfully investigated. As already explained, the joint impact of PM2, PM3 and PM4 has been assessed as it was not possible to assess the impact of each of these measures individually.

PM5 – Keep the information on the user of a vehicle in case the vehicle is leased and provide/disclose it upon request

This measure has an impact in terms of costs savings for the businesses. PM5 will likely result in a cost reduction for car leasing and rental companies, if information on the final keeper/holder of the vehicle is included in the VRD. Currently, the car rental/leasing companies are often requested to identify the owner/holder of the vehicle, or are held accountable when an offence is committed in

their vehicle (owner/holder liability) and then need to reimburse the penalty with the lessee/renter. Two separate interviews were held with Leaseurope to assess the impact, and Leaseurope has requested their members to provide information on whether this data is included in the VRD.

The costs for car rental/leasing companies are estimated through an administrative fee. Based on desk research in the context of the impact assessment support study, it was found that rental/leasing companies often charge an administrative fee of 5 to 25[139] EUR if an offence is committed in their vehicle (besides the financial payment that needs to be made by the presumed offender). This range for the administrative fee has been validated by Leaseurope. The fact that an administrative fee is charged, indicates that road users ultimately bear the costs of the administrative activities conducted by businesses.

Based on the survey carried out by Leaseurope among its members, it was found that (at least) Portugal, Sweden, Germany and Luxembourg include information on the final holder/keeper of the vehicle in the VRD. This indicates that, for car rental/leasing companies registered in these countries, this measure would result in a cost reduction.

Leaseurope estimates that some 60 million offences are committed with rented/leased vehicles a year. These also include offences that are not included in the scope of the CBE Directive, such as parking offences. It is hard to assess the share of offences committed abroad, as the final holder/keeper of the vehicle often has a different nationality than that of the Member State in which the license plate is registered. This indicates that it is hardly possible to provide the number of cases for which the measure has an impact. For this reason, it has been conservatively assumed that for 0.07% of all offences committed with rented/leased vehicles in Europe[140] (38,275 offences in 2030, 37,890 offences in 2040 and 40,226 offences in 2050), this measure would fully remove administrative costs for the private sector.

The administrative costs savings for businesses are thus estimated at EUR 0.435 million in 2030, EUR 0.334 million in 2040 and EUR 0.275 million for 2050 (see Table 21). Expressed as present value over 2025-2050 the administrative costs savings for businesses relative to the baseline are estimated at EUR 7.037 million.

In 2019, Leaseurope represented some 1,950 leasing/rental companies. Furthermore, Leaseurope estimates that it represents 90% of the market. Based on this estimate, there should be around 2,150 leasing/rental companies in the EU. In the assessment it has been assumed that the number of leasing/rental companies will remain constant over the assessment period. Consequently, the administrative costs savings per company are estimated at 202 EUR in 2030, 155 EUR in 2040 and 128 EUR in 2050 (or an average of 130.92 EUR per year per company over 2025-2050, expressed as present value).

Table 22: Impact on the administrative costs savings for the private sector

	2030	2040	2050
Number of offences	38,275	37,890	40,226
Administrative fee (in EUR)	11.4	8.8	6.8
Administrative costs savings (in million EUR)	**0.435**	**0.334**	**0.275**
Number of companies	2,150	2,150	2,150

[139] Depending on the characteristics of the Member State (e.g. the amount of effort and time needed to 'pass on' the penalty notice to the final holder/keeper).

[140] This would be CBE-related offences, committed in rental vehicles registered in Germany, Portugal, Luxembourg and Sweden that are committed in other EU Member States.

Costs savings per company (in EUR)	202	155	128

Source: Ecorys (2022), Impact assessment support study

PM6 – Establish a tailored investigation mechanism for cross-border exchange of information of road traffic offences, aimed at better identification of the driver/offender

PM6 aims to establish a tailored investigation mechanism for cross-border exchange of information aimed at the better identification of the offender/driver. There are two elements related to this measure:

- The follow-up procedure to find the actual address of the offender;
- The follow-up procedure to exchange additional evidence (particularly facial images).

In relation to the follow-up procedure to find the actual address of the offender, it is recommended to make use of the existing system for the exchange of information (i.e. EUCARIS) for the purposes of the CBE Directive. When a Member States enters the information of the offending vehicle in the EUCARIS system, it automatically searches the most recent data of the counterpart Member State's VRD. However, it may be possible that the address of the result is not correct. For this reason, as the PM3 requires that all Member States keep information on previous vehicle owners/holders for a specific period of time, a follow-up question may be exchanged between the Member States that aim to find an offender's address. This will imply allowing the system to search the archives of the national VRDs. There are no additional costs related to this measure, other than the generic fee to be paid to EUCARIS per connection (i.e. the EUCARIS CBE connection in this case), which is around EUR 35,000 per year as of 2021 and part of the baseline.

To facilitate the identification of the offender/driver, an additional follow-up procedure may be necessary to exchange additional evidence, e.g., pictures of the vehicle owner/holder retrieved from identification registers. Ideally, this is also addressed through EUCARIS. An additional service may need to be developed by EUCARIS, which involves a one-off development cost of around EUR 2,000-4,000 per service. Alternatively, the Member States could make use of eDelivery, which is a set of standards and protocols that enable secure and reliable communication between Member States. eDelivery provides a machine-to-machine communication interface without human interaction, i.e., the Member States would have to agree to link their national VRDs and other registers/databases to the central portal via a network of eDelivery Access Points, in order to allow the instantaneous exchange of documents. From a technological point of view, an eDelivery Access Point would have to be set up by every party and connected to the national registers. The Access Point can package, encrypt and send documents and data to another Access Point (e.g. to the Access Point of another register or the portal) which then unpacks and decrypts the documents/data, as well as sends an acknowledgement to the sender party using the AS4 protocol. AS4 is a secure protocol, with strong encryption, and provides a secure connection. The one-off cost of an eDelivery Access Point is estimated at EUR 34,000[141]. Under this setting, the European Commission could also rely on its existing corporate IT service based on eDelivery.

Considering the use of EUCARIS for the assessment of PM6, the adjustment costs for public authorities would be negligible relative to the baseline. However, PM6 would result in more successful investigations. The impact on enforcement costs for public authorities, is estimated at

141 https://ec.europa.eu/cefdigital/wiki/display/CEFDIGITAL/2021/01/21/The+cost+of+setting+up+an+eDelivery+Access+Point?reload=true.

EUR 145,000 in 2030, relative to the baseline, EUR 144,000 in 2040 and EUR 152,000 in 2050. Expressed as present value over 2025-2050 the enforcement costs for public authorities relative to the baseline are estimated at EUR 2.903 million.

PM7 – Establish mutual assistance in the investigation of road traffic offences by including the duty of the vehicle owner/holder to cooperate with authorities in identification of driver/actual offender

In PM7, as the number of successfully investigated offences increases, the enforcement costs for public authorities related to mailing go up. The impact on enforcement costs for public authorities, is estimated at EUR 1.020 million in 2030, relative to the baseline, EUR 1.012 million in 2040 and EUR 1.075 million in 2050. Expressed as present value over 2025-2050 the enforcement costs for public authorities relative to the baseline are estimated at EUR 20.824 million.

PM8A and PM8B – Establish tailored follow-up mechanism for mutual recognition of financial penalties issued in relation to CBE road traffic offences (with limited grounds for refusal in PM8B)

The impact on costs of PM8A and PM8B could not be quantified. This is because the existing procedures under the Framework Decision are complex, especially when the offence is registered as administrative (which is the case for most 'small' speed violations). When a tailored solution will be developed, it is expected that enforcement procedures will be more effective and efficient. PM8A and PM8B respectively aim at improving the enforcement of a traffic offence committed abroad. Simpler procedures more tailored to road traffic offences are expected to help increase the share of enforced decisions on financial penalties. The regime applied in the CBE Agreement of the Salzburg Forum could serve as a model, but not all of its aspects are expected to work at the EU level due to the different legal regimes applied in the EU countries. The increase in the number of enforced decisions is therefore expected to be rather small. While under the baseline, only 5% of enforcement procedures are successful, this rate is expected to increase to 15% under PM8A and to 20% under PM8B (with limited grounds for refusal by the executing State)[142].

PM9 – Provide a dedicated list of entities in different Member States that are entitled to issue information letters to ensure authenticity of documents

PM9 has a two-fold fold objective:

- Provide a list of authorities/entities entitled to issue information letters/notices, also including the list of national contact points (NCP);
- Provide samples of these letters/notices to ensure authenticity.

These may be achieved via the CBE portal. As concerns the first point, a list of authorities can be created based on a study commissioned by the European Commission that would draw on desk research and potential stakeholders' consultations. The inventory should include the authorities'/entities' official name in the local language and general contact information (website, address, telephone, email). This is expected to represent a one-off cost, as the responsible

[142] For comparison, the rate of successfully enforced decisions in the CBE Agreement of the Salzburg Forum is estimated at 90%. This illustrates the benefits of common rules specific to the enforcement of road-safety-related traffic offences which are included in the CBE Agreement of the Salzburg Forum. It should be noted though that the four countries that apply this Agreement have very similar legal liability frameworks.

authorities to send information letters/notices are not expected to change. Around 20 person-days are estimated to be needed for a list for a Member State (including all iterations and time span for Member States' validation), relative to the baseline, at an average cost of 500 EUR per person per working day. Thus, the one-off adjustment costs for the European Commission for a list for a Member State are estimated at EUR 10,000 relative to the baseline. The list of authorities/entities would be made publicly available for consultation on a dedicated CBE portal.

As concerns samples of letters/notices, the exact samples should not be made public, because of the risk of fraud. Nevertheless, it is possible to provide a code/security mark that citizens may check on the letters and postage they have received, to ensure their authenticity. This may also include points that would never be mentioned in an official letter. To take an example, the government of the United Kingdom (Revenue & Customs) has official websites where citizens can check whether a letter/email/phone call/text message is genuine.[143]

Specifically, for letters, the below information is publicly available that may help citizens ensure authenticity:

- Publication of known fraudulent addresses and genuine contact details (office addresses, telephone numbers);
- Explanation of payment methods, including contact details to discuss potential late payment or other problems;
- List of verified governmental bank accounts;
- How to report a suspected phishing attempt (email and phone number).

On the European Commission portal (linked to PM13) it would therefore be possible to also include links to the official governmental websites that may have such an explanation, and call upon the Member States that have not yet implemented such good practice. The inclusion of these websites would therefore require the extension of the inventory above. It is estimated that such research and consultation exercise, would require, at the highest end, an additional ten-person days (at an average of 500 EUR per day) thereby bringing the total one-off adjustment costs for the European Commission at EUR 15,000 per Member State list.

The total one-off adjustment costs for the European Commission are estimated at EUR 405,000 in 2025.

PM10 – Establish harmonised time limit for sending the information letter to ensure fair service of documents

PM10 covers two elements. On the one hand, it prescribes a time limit for sending a penalty notice. This element does not lead to additional administrative costs. However, PM10 also requires to send the penalty notice through registered mail.

In the baseline scenario, it is assumed that about 50% of financial penalties will be sent via registered mail. The cost difference between the registered email and 'normal' mail is estimated to

[143] https://www.gov.uk/government/collections/check-a-list-of-genuine-hmrc-contacts.

be 3 EUR [144, 145, 146, 147, 148]. Thus, an additional cost of 1.50 EUR per penalty notice is assumed, as 50% of all penalty notices are affected (the other 50% is already sent via registered mail).

As a result of PM10, the enforcement costs for Member States public authorities increase relative to the baseline. They are estimated at EUR 8.275 million in 2030, relative to the baseline, EUR 8.212 million in 2040 and EUR 8.718 million in 2050. Expressed as present value over 2025-2050 the enforcement costs for public authorities relative to the baseline are estimated at EUR 153.059 million.

PM11 – Establish mandatory minimum requirements for the information to be shared with presumed offender

PM11 further specifies what information should be included in the information letter. It is thus expected that all Member States will need to adapt the content of their information letter to some extent, leading to adjustment costs. All Member States interviewed indicated that they develop information letters in a template that is translated to all official EU languages. When the information letter is adapted, the new template should be translated again.

Because the number and content of information letters greatly differs between Member States[149], it was not possible to make a detailed estimate on what information is missing per Member State and the time needed to reflect the changes. It has been therefore assumed that each Member State needs to spend 40 hours on adapting the information letters/penalty notices for the different offences. Hence, a total of 1,080 hours would be spent at EU level (assuming that this information letter/penalty notice can also be used by local or regional authorities). Based on information from Eurostat[150], it was estimated that the annual labour costs for administrative and support services is equal to about € 20 per hour.

After the new template is developed, translations are also needed. For the translation costs, information from Belgium, Spain and Poland has been obtained. The costs for translating penalty notices into one language are estimated to be between EUR 2,500 and EUR 7,500. Considering that there are 23 official languages, the translation costs of penalty notices are estimated at EUR 110,000 per Member State.

The total one-off adjustment costs for the MS public administrations are estimated at EUR 2.970 million in 2025.

PM12 – Ensure consistent and seamless language regime in the follow-up communication with presumed offender

PM12 aims to regulate the language regime in follow-up communication with the offender (for example regarding a second notification or if the presumed offender requests additional

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144 https://www.deutschepost.de/de/p/portoberater.html#/Brief/International/Rechteckig/bis_235_x_125_mm/bis_20_g/Guenstig

145 https://www.postnl.nl/versturen/brief-of-kaart-versturen/brief-of-kaart-buitenland/

146 https://www.bpost.be/nl/tarieven

147 https://www.poste.it/gamma/lettera.html

148 https://cennik.poczta-polska.pl/usluga,zagraniczny_przesylka_listowa.html

149 Sometimes even within Member States, as municipalities sometimes adopt different templates than on the national level.

150 https://ec.europa.eu/eurostat/databrowser/view/LC_LCI_LEV__custom_1125792/default/table?lang=en

information). Specific communication with the presumed offender is required in a non-significant share of the cases. Poland indicated that in rare cases, translation costs of about 90 EUR per offence are incurred for specific communication. Germany indicated that in these rare cases, translation costs of 30 to 40 EUR are incurred. Germany indicated that these costs are incurred in approximately 17 cases per year.

It is estimated that Germany detects some 2.25 million offences with foreign registered drivers a year, and issues some 1.8 million penalty notices (80% of detected offences). Thus, this represents less than 0.001% of the total number of penalty notices. Extrapolating at EU level this would result in some 115 cases in which follow-up communication (before court proceedings start) with the presumed offender is to be translated. No information has been obtained during stakeholders consultation on costs for translating documents that result from court proceedings. These costs are not often observed, as the number of cross-border enforcement cases (via Framework Decision 2005/214/JHA) is assessed to be negligible. Thus, it can be concluded that the costs related to PM12 are negligible.

PM13 – Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules

PM13 aims to ensure an adequate and non-discriminatory access to information for citizens and businesses regarding cross-border enforcement of traffic rules. It aims to create a dedicated CBE portal, which has a two-fold use:

i) Information portal;
ii) Interactive portal.

It is further complemented by PM9 and PM6, which elaborate on specific G2G functionalities of the portal.

The current Going Abroad[151] website (and mobile application) serves as an information portal. It was created to abide by the provision that requires the Commission to make available a summary of the rules in force covered by the CBE Directive in all Member States, and in all EU languages. This measure looks into two alternatives: a revamp of the Going Abroad website or a replacement of the website. In the case of a revamp, all existing code of the website as well as back-end (server, application, database) may be reused and expanded upon. In the replacement possibility, the previous structure will not be considered to avoid time spent on understanding the existing back-end components.

According to the ICT Impact Assessment Guidelines[152], there are several categories of activities (and therefore costs) that should be analysed. The relevant ones for the development of a portal are: infrastructure, development, and maintenance and support.

Infrastructure

[151] https://ec.europa.eu/transport/road_safety/going_abroad/index_en.htm.
[152] https://ec.europa.eu/isa2/sites/default/files/ict_impact_assessment_guidelines.pdf.

The setting up of a website starts with its infrastructure, which remains an ongoing activity and cost throughout the lifetime of the website. The infrastructure comprises the hardware and the software that are required "to develop, support, operate and maintain the online collection system"[153].

In the case of the (revamped/replaced) CBE portal, the hosting of the website will be done on the europa.eu domain, as an official website of the European Union. An advantage of using the europa.eu domain is the Europa Web Guide[154], made available by the European Commission, which details the editorial, legal, technical, visual and contractual necessities, rules, and guidelines that websites under the domain should respect. The web content management system, which enables to easily make changes to the website in the future, may be developed using free and open source software such as WordPress or Drupal. Though the system is free, the cost of a professional web designer may add up to the costs.

The infrastructure mainly concerns the back-end development of a website. Assuming that the professional web designer's rates are around 500 EUR per day, and that gathering the necessary information and conceptualising the website requires around 10 working days, the final cost is estimated at 5,000 EUR for the first step. Following the initial one-off cost, ongoing costs need to be foreseen to further develop, support, operate and maintain the database. Ongoing costs for the infrastructure phase is estimated at 0.5 full time equivalent per year, i.e., EUR 50,000, relative to the baseline.

Development

The development of a website represents a one-off cost, where the back-end mechanism is further refined and the front-end of the website is finalised for the users to access. Both options of revamp and replace must take the points below into consideration.

At the moment, the Going Abroad website displays information received from a database. It must be decided whether this structure is to change to, for example, cloud or local server premises. The development and further refining the decisions about the general objective of the website must include, among others, determining the primary choices of the European Commission, stakeholder consultations, and deciding on an outcome. This phase is estimated at 20 working days. Then, the content definition should be further developed. This phase includes determining which content to duplicate and add on to the existing Going Abroad website. The CBE portal may be revised in terms of user-friendliness, as well as expanded with supplementary information about compliance checks/enforcement controls, sanctions, appeal procedures, and payment schemes. Further parts of a website to take into consideration for an enhanced user experience are the possibility to have an FAQ section, country knowledge with relevant links to national associations, links to European Commission documents and further resources, ad hoc newsletter sign up (e.g., to promote updates of the website and call attention to changes in legislations), etc. The content definition may also require connecting the website with a membership. Users may be asked to create a member profile through EU Login. Given the granularity and importance of the content definition of the CBE portal, it is estimated that 60 working days will be required for this phase.

For the design phase, the Europa Web Guide can also be relied upon. It details the guidelines to apply for Commission-branded websites. In addition to those guidelines, the CBE portal should be designed in a user-centric manner: accessible, effective colour scheme, clean design. As a good

[153] https://ec.europa.eu/isa2/sites/default/files/ict_impact_assessment_guidelines.pdf (p. 17).
[154] https://wikis.ec.europa.eu/display/WEBGUIDE/Europa+Web+Guide.

practice, it is also important to repeat information and links on every page, given the short timespan spent per page by the average user. To give an example, for the recently developed reopen.europa.eu[155], based on a similarly functioning database as the Going Abroad website, the average visit lasts less than 2 minutes, with less than 3 clicks to pages included on the website[156]. To best understand the needed requirements an estimated 20 working days will be necessary.

The content writing and assembly represents the construction of the website. The developers would need to consider the particularity of the CBE portal: the flexibility and easy modification to add and/or delete content as there may be updates to national legislation, policies, recommendations, etc. This phase adds up to 30 working days.

Finally, the testing, review, and launch phase includes ensuring that once the website is uploaded to the server, all links are functioning. Users may be called upon to test the website as well as to give feedback. The final phase amounts to 10 working days.

Overall, the development phase is estimated at 140 working days, which at an average rate of 500 EUR per day would result in costs of EUR 70,000 relative to the baseline.

Maintenance and support

The final step, maintenance and support, is an ongoing expenditure for a website, to keep it up to date with information as well as address bugs and requests. The effort for updating the website relies on the input received from the Member States/associations/citizens and outsourced to developers or the responsible IT team. This process may also require patching to the back-end infrastructure which may be also outsourced.

The price of the ongoing maintenance and support for the European Commission, as calculated under the infrastructure category, is EUR 50,000 per year, relative to the baseline and it is projected to increase to EUR 53,000 in 2030, EUR 60,000 in 2040 and EUR 69,000 in 2050. Expressed as present value over 2025-2050 the adjustment costs for the European Commission relative to the baseline are estimated at EUR 1.056 million. In addition, the one-off adjustment costs are estimated at EUR 70,000 (development costs) relative to the baseline in 2025.

PM14 – Ensure authenticity and fair service of final decision

PM14 specifies the information that needs to be shared with the presumed offender on the final legal decision (resulting from a court case). The difference between penalty notices/information letters and notifications of the final legal decision, is that no (standardised) templates can be developed for the latter as they have to be drawn up on a case-by-case basis.

Nevertheless, communication to the offender on the final decision resulting from court cases is already covered by Directive 2010/64/EU. As a condition for the cross-border enforcement of financial penalties, through the Framework Decision imposed for criminal and administrative

[155] https://reopen.europa.eu/.
[156] https://www.similarweb.com/fr/website/reopen.europa.eu/#overview.

offences, these shall be grounded on decisions subject to a judicial review under a procedure similar to criminal proceedings[157].

If the CBE Directive would include a tailored mechanism for the enforcement of financial penalties, the communication of the final decision to the offender could rely on the same procedures (e.g. by following Directive 2010/64/EU). Thereby, PM14 would not lead to additional costs, as communication towards the offender, in both PM14 and the baseline scenario, would follow the same legal procedures.

PM15 – Ensure that the information exchange under the CBE Directive complies with GDPR and LED

PM15 would not lead to additional costs relative to the baseline.

[157] See ECJ, Judgement in Case C-60/12, Baláž.

ANNEX 5: DISCARDED MEASURES

Description	Justification for discarding
Extending the scope to non-safety related traffic offences	The legal analysis concluded that including non-safety related road traffic offences would significantly alter the consistency of the Directive, given the objectives stated in Article 1 which have been at the core of the Directive since its origins.
Extend the scope of the CBE Directive to other road-safety related offences and violations of road-safety-related Urban Vehicle Access Restrictions (UVARs)	Some stakeholders (some Member States and other public bodies) suggested to extend the scope of the CBE Directive to UVARs. Because the CBE Directive is an instrument to enhance road safety, only specific UVARs related to road safety could be added to the scope. Moreover, the inclusion of the road-safety-related UVARs would require an accurate information to the non-resident road users on the applicable rules in place and in addition also exchange of information on specific characteristics of vehicles to prevent unequal treatment/discrimination of drivers. Due to issues related to technical feasibility and difficulties with defining exactly the road-safety-related UVARs and delineation between the UVARs related to emissions and congestions, the measure was considered not proportionate and feasible and was hence discarded.
Recommend/harmonise methods of use and technical specifications for detection equipment	There is no EU law harmonizing minimum technical requirements/ specifications for detection equipment (e.g. ANPR functionality, picture resolution and/or measurement accuracy) nor is the detection equipment subject to CE marking, which certifies the conformity with EU health, safety and environmental standards. The methods of use and technical specifications may play an important role in the investigation of offences and in appeal procedures. Nonetheless these cause impacts at national level only and should be addressed at that level. It was discarded for subsidiarity reasons. The measure was also considered disproportionate, given that the CBE Directive addresses only cross-border offences, while the methods and specifications and related adjustments of detection equipment would apply to all road traffic offences, including those committed by residents.
Establish a single legal liability regime at EU level for road traffic offences committed with a vehicle registered abroad	This measure would establish a single legal liability regime at the EU level, for road traffic offences committed by drivers in foreign vehicles. The vehicle owner/holder of the vehicle could in principle be held liable for the offence committed with their vehicle, which means that only a “soft” driver liability regime or “indirect” vehicle owner/holder legal liability regime would be applied. In a number of EU countries that adopt a strict driver liability regime, only the actual vehicle driver can be held accountable for the offence. These Member States, which apply a strict driver liability regime, cannot require the owner of the vehicle to identify the driver because this would contradict the privilege against self-incrimination foreseen by their national legislation. Such a uniform legal liability regime would therefore not be legally feasible due to constitutional prerogatives applied in some Member States.

Further harmonize the format of Member States' license plates to improve the detection of road traffic offences (ANPR)	The format of license plates falls outside the scope of the CBE Directive. Rather, it seems that other applicable European legislation on this matter (such as Council Regulation (EC) No 2411/98) would be a better place to introduces the change. Moreover, the effectiveness of this option in addressing the problem drivers is doubtful, as there are no clear signs that the readability of license plates is a problem. Therefore, the measure is discarded because of legal considerations and a lack of effectiveness.
Harmonize the time limits for the re-registration of vehicles	This measure aims to solve outdated/erroneous VRDs on vehicle data. VRDs are regulated by Directive 1999/37/EC concerning vehicle data, and by the CBE Directive concerning enforcement tools. Since this is more of an issue related to vehicle registration data, it is advised to include this measure in a possible revision of this Directive, and especially of art. 5(2) of Directive 1999/37/EC.
Include further information in national vehicle registers e.g. the picture of the vehicle owner/holder, vehicle insurance information, the information on the owners' all other vehicles	There are serious concerns regarding the political feasibility, proportionality, and legal feasibility, in particular regarding privacy and data protection issues. Moreover, it is expected that the costs involved would be very high, and that the benefits in terms of information available to investigate offences would be rather small.
Regularly update the CBE Directive and other relevant legislation to keep track with the changing vehicle technology and increasing availability of in-car data.	This measure is discarded, as it is not certain what legal grounds would exist for possible revisions. Also, since this measure is quite intervening, there are concerns regarding proportionality. For example, sharing in-car data with police authorities raises concerns on privacy, data protection issues.
Apply "Once only principle" for sharing information between administrations (local and central government registers) at national level	This measure is discarded as it goes far beyond the scope of a revision of the CBE Directive, as it states that national governments should organize their system in such a way that data in one register is automatically updated if data in another register is updated/changed. Although it might improve the functioning of the CBE Directive (in terms of IT issues), the implications are assessed to be too large.
Ensure that all offences under the CBE Directive fall under criminal law to establish uniform follow-up	This measure is discarded as there is a subsidiarity issue. The classification of offences (e.g. under criminal or administrative law) is up to Member States as laid down in the Treaties.
Incentivize Member States to use of the procedures under Framework Decision 2005/214/JHA by sharing costs and benefits	This measure aims to stimulate a fair accrual of monies (Art. 13 of the FD). However, according to Art. 13, Member States already have the ability to agree on how the revenues stemming from financial payments should be divided between issuing and executing State. Hence, the added value of this measure is questionable. Moreover, PM8 is expected to be more effective in achieving the use of procedures to enforce financial penalties for road-traffic offences under the CBE Directive abroad.

ANNEX 6: RETAINED POLICY MEASURES

Link to problem driver and specific objective	Policy measure	Short description of the measure
PD1: Inadequate detection of road-safety-related traffic offenses **SO1:** Improve compliance control with road-safety-related traffic rules in place, including extension of the initiative scope to other road-safety-related traffic offenses	**PM 1** – Extend the scope of the CBE Directive to other road-safety related traffic offences	This measure extends the scope of the CBE Directive to cover in addition the following road-safety-related traffic offences: not keeping sufficient distance from the vehicle in front, dangerous overtaking, dangerous parking, crossing white line(s), driving in wrong way or emergency lane[158] and using an overloaded vehicle.
PD2: Incorrect or insufficient information in vehicle registers **SO2**: Streamline mutual assistance and recognition procedures between Member States in cross-border investigation of road-safety-related traffic offenses and cross-border enforcement of financial	**PM 2** – Establish mandatory minimum data content of vehicle registers necessary for the investigation of traffic offences	This measure extends the data content as laid down in Annex I of the CBE Directive (e.g. to cover vehicle categories) and specifies minimum mandatory data to be exchanged which is necessary for successful investigation of road traffic offences.
	PM 3 – Keep the information on previous owner/holder of a vehicle for a specific time and provide/disclose it upon request	This measure improves the quality of the investigation of the offences, by harmonizing the time limit for retention/storage (and review) of the personal data on the previous vehicle owner/holder in national vehicle registers. This limit also depends on harmonized deadlines for the submission/service of information letters/penalty notices to non-residents (see also measure PM 10)
	PM 4 – Keep the information on the user of a vehicle in case the vehicle is leased and provide/disclose it	This measure allows the exchange of information on the final user/keeper of the vehicle, but only if this information is available in VRD by default (normally it covers long term leasing of vehicles). Currently, rental companies often receive the information letter and are requested to identify the final user/keeper at the time that the offence was committed. Rental

[158] Driving in emergency lane is already covered by the CBE Directive, however ROADPOL asked to establish harmonized EU rules concerning the creation (e.g. zipper merge) and use of emergency lanes.

Link to problem driver and specific objective	Policy measure	Short description of the measure
penalties for these offences	upon request	and (long-term) leasing companies will benefit from this measure, since administrative activities (identifying the holder/keeper of the vehicle at the time that the offence was committed) can be partly overcome. The measure does not aim to mandate Member States to include this information in the national VRD. Only the exchange of information, in case this information is available in VRDs, under the CBE Directive is made possible. Currently, sharing this type of information is not possible under the CBE Directive.
	PM 5 – Ensure access to other data registers (other than VRD) through a single system	This measure increases the access to available information to investigate detected road traffic offences included in the scope of the revised CBE Directive. This measure ensures that if other databases (e.g. driving licence or driver registers) are interconnected, they should be accessible for enforcement purposes via one system (EUCARIS). It should be noted that EUCARIS already provides access to these databases (e.g. via RESPER), but the information cannot be requested according to existing CBE Directive.
	PM 6 – Establish a tailored investigation mechanism for cross-border exchange of information of road traffic offences, aimed at better identification of the driver/offender	This measure proposes: • specific digitised follow-up procedure to find actual address of presumed offender, if the address or other information in vehicle register is not correct; and • in case of executing countries with a strict-driver liability system, a specific digitised follow-up procedure needed to exchange additional evidence (e.g. pictures of the vehicle owner/holder retrieved from passport or ID registers) to facilitate the identification the offender/driver. An IT platform, including a portal is developed to facilitate both procedures. It is intended to support 'police-to-police' cooperation as much as possible, while using functionalities under the revised Prüm framework (Prüm II).
	PM 7 – Establish mutual assistance in the investigation of road traffic offences by including the duty of the vehicle owner/holder to cooperate with authorities in identification of driver/actual offender	This measure introduces the duty of the vehicle owner/holder to cooperate with enforcement authorities in the investigation of the identity of the driver of the vehicle with which a traffic offence has been committed in another Member State. This duty would apply in countries with a strict driver liability regime while in other countries, the holder/owner of the vehicle concerned can directly be fined for the committed traffic offence. In case the holder/owner of the vehicle in question claims he or she was not the driver but does not cooperate with the enforcement authorities in the identification of the driver, he/she would be asked to contribute to the enforcement costs. The holder/owner of the vehicle would hence not be liable for the committed traffic offence but for failing to cooperate with the enforcement authorities. As the vehicle holder/owner has an incentive to cooperate with the authorities in the identification of the driver, more non-resident drivers can be identified and fined which reduces their impunity and therefore is expected to lead to a

Link to problem driver and specific objective	Policy measure	Short description of the measure
		change in behavior that improves road safety.
PD3: Lack of mutual assistance in recognition and enforcement of financial penalties **SO2:** Streamline mutual assistance and recognition procedures between Member States in cross-border investigation of road-safety-related traffic offenses and cross-border enforcement of financial penalties for these offences	**PM 8A** – Establish tailored follow-up mechanism for mutual recognition of financial penalties issued in relation to CBE road traffic offences	This measure proposes digitised follow-up procedures related to cross-border enforcement of sanctions for the offences covered by the CBE Directive. Possible areas of derogation from existing FD 2005/214 rules and new elements or modifications to be added are as follows: • Introducing clarifications for the 'minimum' procedural guarantees which all authorities, including administrative authorities, have to comply with. Where a decision requiring payment of a financial penalty has been notified in accordance with the national legislation of issuing Member State, also indicating the right to contest the case and the time limit for such a legal remedy, the authority of executing Member State may not refuse to recognise and execute that decision provided that the person concerned has had sufficient time to contest that decision. This would ensure higher procedural protection, also for administrative offences; • Establishing fair accrual of monies from financial penalties between the issuing and executing Member State (specific distribution keys could be established according to the incurred costs or just fifty-fifty accrual could be applied). This would ensure that the issuing Member State is motivated to start the procedure, as currently all resources from cross-border execution of financial sanctions are (in general) kept by the executing Member State; • Applying the provision of FD 2005/214 to administrative road traffic offences, that allows the competent authority of the executing Member State to give the offender/driver the opportunity to pay the financial penalty to the issuing Member State before continuing with the proceedings; • Introducing standardised digital forms - translated in all official EU languages - would simplify their exchange (see Article 14 and Annex of FD 2005/214 and approved Standardised Forms). This modification ensures a more cost-effective process, which is especially relevant for road traffic offences that result in a small pecuniary sanction.
	PM 8B =PM8A with limited grounds for refusal	This measure builds further on PM 8A, and also limits the grounds for non-recognition that are included in the Framework Decision. Based on a legal analysis, only the following grounds for non-recognition will be retained in the specifically designed follow-up mechanism: • Incomplete or incorrect certificate (Article 7(1) of FD); • Decision against the sentenced person in respect of the same acts delivered in the executing State or delivered and executed in any other State (Art. 7(2)(a) of FD); • Statute barred decision according to the law of the executing

Link to problem driver and specific objective	Policy measure	Short description of the measure
		State (Art. 7(2)(c) of FD); • The person concerned (i) in case of a written procedure was not, in accordance with the law of the issuing State, informed personally or via a representative, competent according to national law, of his right to contest the case and of time limits of such a legal remedy (unless the certificate states: that the person was informed personally, or via a representative, competent according to national law, of the proceedings in accordance with the law of the issuing State), or (ii) did not appear personally (unless the person has indicated that he or she does not contest the case) (Art. 7(2)(g) of FD). Effectively, this follow-up mechanism would therefore be made similar to the enforcement procedure that is adopted under the CBE Agreement in the Salzburg Forum
PD4: Different level of fundamental rights protection in Member States **SO3:** Improve protection of fundamental rights of non-resident offenders, including alignment with new EU rules on personal data protection	**PM 9** – Provide a dedicated list of entities in different Member States that are entitled to issue information letters to ensure authenticity of documents	This measure ensures that for each Member State, a National contact point (NCP) would be established through which the authenticity of information letters would be verified. Member States may provide a list of authorities/entities entitled to issue the information letters (according the CBE Directive) and other letters/notices serviced to presumed offender, until the stage of appeal before a court, and the samples of these notifications on dedicated cross-border enforcement/CBE portal (G2G). This allows Member States authorities to share the information for verification purposes in a secure way (if the information is made public, the letters can be even more easily subject to a fraud). The portal would also contain the list of national contact points (NCPs) responsible for police-to-police or legal cooperation (such as NCPs established under the existing CBE Directive), and in future other relevant information facilitating Member States authorities' cooperation in investigation (see also PM 6). The letters/notices would be legally defined, that is currently missing, and properly authenticated.
	PM 10 – Establish harmonised time limit for sending the information letter to ensure fair service of documents	This measure sets out EU-wide harmonized time limit for sending out the information letter (after registration of the offence). The limit should not be longer than the time limits for the retention/storage time of the personal data on the previous vehicle owner/holder in national vehicle registers limit and for re-registration of the vehicle. The measure also includes the harmonisation of the means of information letter delivery (e.g. obligatory use of registered mail) to ensure lawfulness.
	PM 11 – Establish mandatory minimum requirements for the information to be shared with presumed offender	This measure provides an obligatory structure of the information letter for non-residents/foreigners with the obligatory content as already laid down in Article 5 of the Directive and complemented by new elements, as follows: 1. Provision of information on deducted demerit/penalty points and driving disqualifications; 2. Provision of information on appeal procedure i.e. where and how to lodge an appeal, details of 'in absentia procedures' - particularly whether these procedures are applicable or not, if

Link to problem driver and specific objective	Policy measure	Short description of the measure
		yes, how they are applicable and especially whether there is an obligation to have a representative/counsel; 3. The presumed non-resident/foreign offender must be given sufficient time after the receipt of the information letter to appeal (time limit/rules to be specified); 4. Provision of evidence on the committed road traffic offence upon the request of presumed offender; 5. Provision of IBAN account number and the name and address of the authority where the financial penalty can be settled. Another obligatory element may be added from non-mandatory template of the information letter presented in Annex II of the Directive which only very few Member States use now in practice.
	PM 12 – Ensure consistent and seamless language regime in the follow-up communication with presumed offender	This measure clarifies the use of languages in the communication with presumed offender (before and after receipt of the information letter) until the stage of appeal before a court when Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings applies. It has to be ensured that the language regime is clearly defined, not only in the case where a national authority communicates with the presumed offender, but also in the case where the presumed offender communicates with a national authority.
	PM 13 – Ensure adequate and non-discriminatory access to information of citizens and business regarding cross-border enforcement of road traffic rules	Under this measure, a dedicated portal (G2B, G2C) is created, replacing the Going abroad website. The portal should be compatible with the interface established under Single Digital Gateway Regulation, thus strengthening citizens' rights to free movement and non-discriminatory access to information. Through the portal and specific IT platforms (e.g. using the functionality of eDelivery network solutions if it concerns the exchange of sensitive information between authorities and businesses), Member States authorities can share or exchange information in secure way with citizens and businesses. Possible links can be established with other portals, especially e-Justice portal. There are various websites and apps in Member States allowing payment of fines and monitoring procedural stages. This measure supports the use of eIDAS (or other trusted services), as the access to these websites and apps often requires registration via national ID cards microchips of residents/nationals, excluding non-residents/foreigners from the use of these digitised solutions.
	PM 14 – Ensure authenticity and fair service of final decision	This measure safeguards the protection of fundamental rights of presumed non-resident offenders, in case of non-payment of a financial penalty, including appeal, by specifying the requirements (e.g. on authenticity, language regime) regarding the service of a final decision on the imposed financial penalty of a court of issuing Member State to the presumed offenders. Debt collection/recovery agencies or other private entities involved in enforcement of financial penalties cannot claim the penalties

Link to problem driver and specific objective	Policy measure	Short description of the measure
		unless the final decision is mutually recognised by relevant Member States.
	PM 15 – Ensure that the information exchange under the CBE Directive complies with GDPR and LED	This measure specifies how the regime of personal data protection under the GDPR and the LED will be applied in the context of the CBE Directive. The references to the data protection provisions of the Prüm Decisions will be replaced by appropriate references to the LED. The Directive is aligned with the LED on the following points: • an explicit reference to the applicability of the LED is introduced where road-safety-related traffic offences are qualified as criminal; • the obligation to send information letter to the owner/holder of the vehicle, or otherwise identified person suspected of committing road-safety-related traffic offence, on initiating the investigation or prosecution and granting them access to specific information is without prejudice to the right to information under Article 13 of the LED.

ANNEX 7: EFFECTIVENESS OF THE DIFFERENT POLICY OPTIONS

Key: Impacts expected				
××	×	O	✓	✓✓
Strongly negative	Negative	No or negligible impact	Positive	Strongly positive

	PO 1	**PO 2**	**PO 2A**	**PO 3**	**PO 3A**
General objective: Increase road safety in the EU through better enforcement of road-safety-related traffic rules					
Lower number of road fatalities and injuries relative to the baseline	Positive effect expected on the number of road injuries: it is estimated that PO1 prevents 7 fatalities, 66 serious injuries and 315 slight injuries in **2030**. Over the assessment period (**2025 – 2050**), PO1 is estimated to prevent 165 fatalities, 1,575 serious injuries and 7,620 slight injuries.	Positive effect is expected on the number of road injuries: it is estimated that PO2 prevents 8 fatalities, 77 serious injuries and 368 slight injuries in **2030**. Over the assessment period (**2025 – 2050**), PO2 is estimated to prevent 192 fatalities, 1,837 serious injuries and 8,884 slight injuries.	Positive effect is expected on the number of road injuries: it is estimated that PO2A prevents 16 fatalities, 154 serious injuries and 734 slight injuries in **2030**. Over the assessment period (**2025 – 2050**), PO2A is estimated to prevent 384 fatalities, 3,667 serious injuries and 17,738 slight injuries.	Strongly positive effect is expected on the number of road injuries: it is estimated that PO3 prevents 20 fatalities, 195 serious injuries and 930 slight injuries in **2030**. Over the assessment period (**2025 – 2050**), PO3 is estimated to prevent 486 fatalities, 4,644 serious injuries and 22,466 slight injuries.	Strongly positive effect is expected on the number of road injuries: it is estimated that PO3A prevents 23 fatalities, 215 serious injuries and 1,028 slight injuries in **2030**. Over the assessment period (**2025 – 2050**), PO3A is estimated to prevent 538 fatalities, 5,133 serious injuries and 24,830 slight injuries.

Key: Impacts expected				
××	×	O	✓	✓✓
Strongly negative	Negative	No or negligible impact	Positive	Strongly positive

	PO 1	PO 2	PO 2A	PO 3	PO 3A
Specific policy objective 1: Increase compliance of non-resident drivers with additional road-safety-related offences					
Change in the number of cross-border investigations due to additional road-safety-related offences, relative to the baseline[159]	Small increase in the number of investigations due to ca. 285,000 more road-safety-related offences, relative to the baseline in 2030 and 321,000 in 2050, with small positive impacts on the number of fatalities and injuries avoided.	Small increase in the number of investigations due to ca. 281,000 more road-safety-related offences, relative to the baseline in 2030 and 317,000 in 2050, with small positive impacts on the number of fatalities and injuries avoided.	Small increase in the number of investigations due to ca. 258,000 more road-safety-related offences, relative to the baseline in 2030 and 291,000 in 2050, with small positive impacts on the number of fatalities and injuries avoided.	Small increase in the number of investigations due to ca. 246,000 more road-safety-related offences, relative to the baseline in 2030 and 277,000 in 2050, with small positive impacts on the number of fatalities and injuries avoided.	Small increase in the number of investigations due to ca. 239,000 more road-safety-related offences, relative to the baseline in 2030 and 270,000 in 2050, with small positive impacts on the number of fatalities and injuries avoided.
Specific policy objective 2 – Streamline mutual assistance and recognition procedures between Member States in cross-border investigation of road-safety-related traffic offences and cross-border enforcement of financial penalties for these offences					
Higher share of successful cross-border investigations relative to the baseline	Positive effect on the share of successful investigations, estimated to be 3.6 percentage points higher relative to the baseline in 2030 and 3.7 p.p. higher in	Positive effect on the share of successful investigations, estimated to be 4.5 percentage points higher relative to the baseline in 2030 and 4.6 p.p. higher in	Strongly positive effect on the share of successful investigations, estimated to be 10.9 p.p. higher relative to the baseline in 2030 and 11 p.p. higher in	Strongly positive effect on the share of successful investigations, estimated to be 10.9 p.p. higher relative to the baseline in 2030 and 11 p.p. higher in	Strongly positive effect on the share of successful investigations, estimated to be 10.9 p.p. higher relative to the baseline in 2030 and 11 p.p. higher in

[159] While the number of investigations due to additional road-safety-related offences included in the scope of the Directive is projected to increase relative to the baseline, the total number of investigations (including those already in the scope of the Directive) is projected to decrease relative to the baseline. As explained in section 6.1.1, by facilitating the cross-border investigation and enforcement of road-safety-related traffic offences, the policy options reduce the impunity of non-resident offenders. As a result, non-residents will adapt their driving behaviour. This means that, the more effective the policy options are, the fewer offences will be committed with vehicles registered in other Member States relative to the baseline.

Key: Impacts expected				
××	×	O	✓	✓✓
Strongly negative	Negative	No or negligible impact	Positive	Strongly positive

	PO 1	PO 2	PO 2A	PO 3	PO 3A
	2050.	2050.	2050.	2050.	2050.
Higher share of successfully enforced financial penalties relative to the baseline				Positive effect on the share of successfully enforced financial penalties, estimated at 10 p.p. higher relative to the baseline.	Positive effect on the share of successfully enforced financial penalties, estimated at 15 p.p. higher relative to the baseline.
Specific policy objective 3: Strenghten the protection of fundamental rights of non-resident offenders, includig alignement with new EU rules on personal data protection					
Higher share of penal-ty notices with appropriate language regime	Positive effect on the language regime of penalty notices.	Positive effect on the language regime of penalty notices.	Positive effect on the language regime of penalty notices.	Positive effect on the language regime of penalty notices.	Positive effect on the language regime of penalty notices.
Higher share of penalty notices with adequate information	Positive effect on the share of penalty notices that contain sufficient adequate information.	Positive effect on the share of penalty notices that contain sufficient adequate information.	Positive effect on the share of penalty notices that contain sufficient adequate information.	Positive effect on the share of penalty notices that contain sufficient adequate information.	Positive effect on the share of penalty notices that contain sufficient adequate information.
Lower number of citizens' complaints concerning penalty notices	Positive effect; fewer citizens' complaints due to improved communication	Positive effect; fewer citizens' complaints due to improved communication	Positive effect; fewer citizens' complaints due to improved communication	Positive effect; fewer citizens' complaints due to improved communication	Positive effect; fewer citizens' complaints due to improved communication
Degree to which the Directive is made consistent with LED and GDPR	Strongly positive effect: by making the Directive consistent with LED and GDPR, a positive impact is expected.	Strongly positive effect: by making the Directive consistent with LED and GDPR, a positive impact is expected.	Strongly positive effect: by making the Directive consistent with LED and GDPR, a positive impact is expected.	Strongly positive effect: by making the Directive consistent with LED and GDPR, a positive impact is expected.	Strongly positive effect: by making the Directive consistent with LED and GDPR, a positive impact is expected.