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NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee
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Subject:	Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences – Analysis of the final compromise text with a view to agreement

I. INTRODUCTION

1. The Commission submitted the above-mentioned proposal to the European Parliament and to the Council on 1 March 2023 as a part of the Road Safety Package.
2. The Commission presented its proposal to a) increase compliance of non-resident drivers with additional road-safety-related traffic rules, b) streamline mutual assistance procedures between Member States in the cross-border investigation of road-safety-related traffic offences and c) strengthen the protection of fundamental rights of non-resident offenders. The proposal modifies the Directive on facilitating cross-border exchange of information on road-safety-related traffic offences (Directive (EU) 2015/413 – “CBE Directive”).

II. STATE OF PLAY

3. The European Parliament designated the Committee on Transport and Tourism (TRAN) as the responsible committee on this proposal and Mr. Kosma ZLOTOWSKI (ECR, PL) as the rapporteur. It adopted its position and a mandate for negotiations in plenary on 5 December 2023.
4. The European Economic and Social Committee adopted its opinion on the proposal at the 578th plenary session, on 27 April 2023. The Committee of the Regions decided not to issue an opinion.
5. The Council agreed on a general approach on 4 December 2023.
6. At the third trilogue on 12 March 2024 a provisional political agreement was reached, on which the Permanent Representatives Committee was debriefed on 15 March.

III. KEY ELEMENTS OF THE COMPROMISE

7. The provisional political agreement, reflected in the text annexed to this note, is based on the following key elements:
 - a) The **extension of the scope** with the offence of not respecting the rules on vehicle-access-restrictions: it was agreed to only include those offences that are related to road safety and that are clearly and visibly demarcated. Three years after the transposition, the Commission shall develop a report on the application of this Directive and if data has shown a positive effective on road safety, this report shall be accompanied by a proposal regarding the inclusion of other offences;
 - b) **Delays** for sending the traffic offence notice and delays for replying to a request for mutual assistance to identify the concerned person: it was agreed that a traffic offence notice should be sent no later than 11 months;

- c) The use of **private legal entities**: it was agreed that only competent authorities can initiate, conduct and enforce the relevant proceedings under this Directive. Competent authorities will only be allowed to rely on private entities for technical support. To prepare for such a restriction, a transition period of two years is introduced during which competent authorities need to ensure that no private legal entity can be designated as a competent authority or a national contact point;
- d) The **earmarking of revenues**: it was agreed to have a suggestion in a recital stating that Member States should endeavour to ensure that the revenues generated from road-safety-related traffic offences are used to increase road safety;
- e) **Third-country vehicles** having committed traffic offences in the EU: it was agreed to have a recital asking the Commission to look closer into this issue. For the Commission to be able to do this, Member States shall collect data on the number of third-country vehicles committing traffic offences on their territory and the type of offences and provide these to the Commission.
- f) The **transposition**: It was agreed to have 30 months of transposition.
8. The Presidency considers that the compromise of the political agreement is balanced and in line with the strategy for the negotiations and the mandate's direction (note ST 5699/1/24 REV1 and ST 5699/1/24 REV1 COR1); changes agreed to the text in trilogue did not affect the balance.

IV. CONCLUSIONS

9. In view of the above, the Permanent Representatives Committee is invited to:
- agree on the compromise text as set out in the annex to this note, subject to revision by the lawyer-linguists of both institutions;

- confirm that, should the Parliament adopt its position at first reading, in accordance with Article 294(3) TFEU, as set out in the Annex, subject to legal-linguistic finalisation, the Council would approve, in accordance with Article 294(4) TFEU, the position of the European Parliament and the act would be adopted in the wording corresponding to the position of the European Parliament;
 - authorise the Presidency to send a letter to the Chair of the TRAN Committee to that effect.
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2023/0052 (COD)

Proposal for a

DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences

(Text with EEA relevance)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 91(1), point (c), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Having regard to the opinion of the European Economic and Social Committee¹,

Having regard to the opinion of the Committee of the Regions²,

Acting in accordance with the ordinary legislative procedure,

Whereas:

- (1) Directive (EU) 2015/413 facilitates the cross-border exchange of information on road-safety-related traffic offences and thereby lowers the impunity of non-resident offenders. An effective cross-border investigation and enforcement of road-safety-related traffic offences improves road safety as it encourages non-resident drivers to commit fewer offences and drive more safely.

(1a) Knowledge of the EU citizens about the rules in force, the applicable sanctions in the various Member States and the high probability of an unavoidable penalty promotes road safety and reduces the number of traffic offences and road traffic hazards.

¹ OJ C , , p. .

² OJ C , , p. .

- (2) The practice of enforcement authorities involved in the investigation of road-safety-related traffic offences has shown that the current wording of Directive (EU) 2015/413 fails in facilitating an effective investigation of the road-safety-related traffic offences committed by non-resident drivers and in the enforcement of financial penalties to the desired degree. That results in a relative impunity of non-resident drivers and has a negative impact on road safety in the Union. Furthermore, procedural and fundamental rights of non-resident drivers are not always respected in the context of cross-border investigations, in particular due to a lack of transparency in the setting of the amount of the fines and in the appeal procedures. This Directive aims to further improve the effectiveness of the investigation of road-safety-related traffic offences committed with vehicles registered in another Member State in order to help reach the Union’s goal of reducing the death toll in all modes of transport to close to zero by 2050 and to strengthen the protection of fundamental and procedural rights of non-resident drivers.
- (3) In its EU Road Safety Policy Framework 2021-2030³, the Commission recommitted to the ambitious goal to get close to zero deaths and zero serious injuries on Union roads by 2050 (“Vision Zero”), and to the medium-term aim to reduce deaths and serious injuries by 50% by 2030, a target originally set in 2017 by the Union Transport Ministers in the Valletta Declaration on Road Safety. In order to achieve those goals the Commission, as part of the Communication “Sustainable and Smart Mobility Strategy – putting European transport on track for the future”⁴, announced its intent to revise Directive (EU) 2015/413 of the European Parliament and of the Council⁵.
- (4) The scope of the Directive should be extended to other road-safety-related traffic offences to ensure equal treatment of drivers. Considering the legal basis on which Directive (EU) 2015/413 was adopted, namely Article 91(1), point (c), of the Treaty on the Functioning of the European Union, additional offences should demonstrate a *direct* link to road safety, by addressing dangerous and reckless behaviours which pose a serious risk to road users. The extension of the scope should also reflect the technical progress in the automatic detection of road-safety-related traffic offences.
- (5) Road-safety-related traffic offences are classified either as administrative or criminal offences under the national law of the Member States, which may give rise to proceedings brought by administrative or judicial authorities, before courts having jurisdiction in administrative or criminal matters, depending on the applicable national procedures.

³ SWD(2019) 283 final

⁴ Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions ‘Sustainable and Smart Mobility Strategy – putting European transport on track for the future’, COM(2020) 789 final.

⁵ Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences (OJ L 68, 13.3.2015, p. 9).

Nevertheless, these offences are pursued by Member States in the course of mass procedures in most cases, and as such where the precise identification of the driver is required by the national legislation of the Member State of the offence as a precondition for imposing the relevant sanction, the requirements to use Directive 2014/41/EU of the European Parliament and of the Council⁶ set out of Article 6 of that Directive, are in most cases, particularly where the offences are qualified as administrative, not met and thus that Directive cannot be used. In that context the authorities of the Member State of the offence should have a practicable procedure at their disposal to request mutual assistance from the relevant authorities of the Member State of registration or Member State of residence through well-defined measures, which do not seriously affect the rights of the persons concerned, in order to be able to identify offenders to the degree their national legislation requires. However, this should be without prejudice to situations where in individual cases the conditions for applying Directive 2014/41/EU are deemed to have been fulfilled, in which case the procedures contained therein should be applied by those Member States bound by Directive 2014/41/EU. It should be recalled that a specific Union legal framework regulates judicial cooperation in criminal matters, which is based on the principle of mutual recognition of judgments and judicial decisions. It is therefore necessary that the application of this Directive does not undermine the rights and obligations of the Member States stemming from other applicable Union legislation in criminal matters, and in particular those laid down in Council Framework Decision 2005/214/JHA⁷, Directive 2014/41/EU of the European Parliament and of the Council⁸ as concerns the procedures for exchanges of evidence, and the procedures for service of documents laid down in Article 5 of the Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union⁹. Further, criminal proceedings demanding specific guarantees for the individuals concerned, the procedural safeguards for suspects and accused persons, enshrined in Directives 2010/64/EU¹⁰, 2012/13/EU¹¹, 2013/48/EU¹², (EU) 2016/343¹³, (EU) 2016/800¹⁴ and (EU) 2016/1919 of

⁶ *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).*

⁷ *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).*

⁸ *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).*

⁹ *OJ C 197, 12.7.2000, p. 3.*

¹⁰ *Directive 2010/64/EU of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings (OJ L 280, 26.10.2010, p. 1).*

¹¹ *Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings (OJ L 142, 1.6.2012, p. 1).*

¹² *Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant*

the European Parliament and of the Council¹⁵, should also not be affected by the implementation of this Directive.

- (6) The responsibilities and competences of national contact points should be defined to ensure that they seamlessly cooperate with **all** authorities involved in the investigation of the road-safety-related traffic offences which fall within the scope of this Directive. National contact points should always be available for such **competent** authorities and answer their requests **without undue delay**. This should be the case regardless of the nature of the offence or the legal status of the **competent** authority, and in particular regardless of whether the **competent** authority has national or subnational or local competence.
- (7) The basics of the system of cross-border exchange of information established by Directive (EU) 2015/413 have proved to be effective. However, further improvements and adjustments are necessary to remedy issues resulting from lacking, erroneous or inaccurate data. Therefore, further obligations should be imposed on Member States regarding the need to keep certain data in the relevant databases available and up-to-date to increase the effectiveness of the information exchange.
- (7a) A number of Member States are now facing a phenomenon where serious road offences are being committed in cars rented in other Member States. The drivers of such rental cars who committed a traffic offence are going unpunished because they can exploit differences in rules from one Member State to another, as well as shortcomings as regards the exchange of information and mutual assistance.*
- (8) **The national contact point** of the Member State of the offence should **■** be allowed to conduct automated searches in vehicle registers to retrieve data on end users of vehicles where such information is already available. Furthermore, a data retention period should be established as regards the identity of the previous owners, holders and end users of the vehicles to provide authorities with the appropriate information they need for the investigation.

proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty (OJ L 294, 6.11.2013, p. 1).

¹³ *Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p. 1).*

¹⁴ *Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p. 1).*

¹⁵ *Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings, (OJ L 297, 4.11.2016, p. 1).*

- (9) The request to disclose vehicle registration data and the exchange of the data elements in cross-border cases should be carried out through a single electronic system. Therefore, also building on the already existing technical framework, the automated searching of vehicle registration data under Directive (EU) 2015/413 should only be carried out through the **use of the highly secured** European Vehicle and Driving Licence Information System (Eucaris) software application and amended versions of that software. **This software** application should allow for the expeditious, cost-efficient, secure and reliable exchange of specific vehicle registration data between Member States, and therefore increase the efficiency of the investigation. Member States should **not** exchange **■** information by other means, which would be less cost-efficient and may not ensure the protection of the transmitted data. ***In the process of exchanging vehicle registration data, competent authorities might encounter abnormal requests that might lead to as suspicion of misuse of the information exchange process and require appropriate measures to be taken by competent authorities. Such abnormal requests may in particular be the requests that are unusual in their frequency or content, be sudden or concern only specific offences. Member States should use Eucaris specifically for automated searches of vehicle registration data and mutual assistance in identifying the person concerned, mutual assistance in the service of the traffic offence notice and follow-up documents and mutual assistance in enforcement activities.***
- (10) In order to ensure uniform conditions for the **implementation of the provisions on the** searches to be conducted by Member States, **implementing powers** should be **conferred on the Commission**. However, transitional measures for the automated exchange of vehicle registration data based on the existing electronic system should be in place to guarantee seamless data exchanges until such rules become applicable.
- (11) In cases where the **■** person **concerned** cannot be identified with the certainty required by the legislation of the Member State of the offence based on the information acquired from the vehicle register, Member States should cooperate in order to ascertain the identity of the **person concerned**. To that end, a mutual assistance procedure should be introduced aimed at identifying the **person concerned**, either through a request for confirmation, on the basis of information already held by the **competent authority of the** Member State of the offence, or through a request for a targeted enquiry to be conducted by the relevant **competent** authorities of the Member State of registration or of the Member State of residence.

- (12) ***The competent authorities of the Member States should use a standard electronic form for the request and response, in order to*** provide the additional information requested by the ***competent authority of the Member State*** of the offence necessary for the identification of the ***person concerned***. ***Member States should use their national contact points in order to allow for a highly secure and efficient transfer of both the outgoing request for mutual assistance and the incoming response to it.***
The requested information must be gathered without ***any*** undue delay ***and in any case within the delays mentioned in this Directive.***
In gathering the information and answering the request, the requested Member State shall keep into account both the need for the person concerned to be notified in due time, as the need of the requesting Member State to be able to take the necessary steps within time, in particular with respect to the statutes of limitation within the national legislation of the requesting Member State.
- (13) The grounds on which the provision of mutual assistance for the identification of the **█** person ***concerned*** can be refused by ***the competent authority of*** the Member State of registration or Member State of residence should be specifically identified. In particular, safeguards should be introduced to avoid revealing the identity of protected persons, such as protected witnesses, through those procedures.
- (14) Member States should be allowed to use national procedures ***to identify the person concerned as*** they would apply ***in case*** the road-safety-related offence had been committed by a resident person. Legal certainty should be reinforced as regards the applicability of specific measures taken under such procedures, namely concerning documents requiring the confirmation or denial of the commission of the offence or imposing obligations for ***persons concerned █*** to cooperate in identifying the **█** person ***concerned***. As those measures should have the same legal effects on the ***persons concerned*** as in domestic cases, those persons should also enjoy the same standards of fundamental and procedural rights.
- (15) Where Union legislation or national law of Member States explicitly provides access to or the possibility to exchange information from other national or Union databases for the purposes of Directive (EU) 2015/413, Member States should have the possibility to exchange information by involving such databases, while respecting the fundamental rights of non-resident drivers.
- (16) The ***person concerned might not be*** familiar with the legal system of the Member State of the offence nor speak its official language or languages, and therefore their procedural and fundamental rights should be better safeguarded. In order to achieve that objective, mandatory minimum requirements for the content of the ***traffic offence notice*** should be established and the current model for an information letter with only basic information, as set out Annex II to Directive (EU) 2015/413 should no longer be used.

- (17) As a minimum, the **traffic offence notice** should **use wording that is understandable to those without legal training and** include detailed information on the legal classification and legal consequences of the offence, in particular as the sanctions for the offences covered by the scope of Directive (EU) 2015/413 can be of a non-pecuniary nature, such as restrictions placed on the offender's right to drive. The right of **defence** should also be supported by providing detailed information on where, **when** and how to exercise **these** rights **■** in the Member State of the offence. **In that regard, non-resident drivers should be given sufficient time to seek remedy, for example appeal.** A description of **in absentia** procedures should also be provided when applicable, as the **person concerned** may not plan to return to the Member State of offence to participate in the proceedings. Payment options and ways to mitigate the volume of the sanctions should also be made easily understandable in order to incentivise voluntary cooperation. Finally, as the **traffic offence notice** should be the first document the **person concerned** receives, it should contain the information under Article 13 of Directive (EU) 2016/680 of the European Parliament and of the Council¹⁶, which, pursuant to Article 13(2)(d) should include information from which source the personal data originate, and Articles 13 and 14 of Regulation (EU) 2016/679 of the European Parliament and of the Council¹⁷. This information should be provided in the **traffic offence notice** either directly or by way of reference to the place where it is made available. **Member States should help road users in verifying the authenticity of the traffic offence notices and follow-up documents. For this purpose, Member States should share with each other and with the Commission through secure means the templates of traffic offence notices and templates of follow-up documents issued by their authorities, which are used in cross-border cases. Member States should also inform each other on the competent authorities that have the right to issue those documents.**
- (18) When non-resident persons are checked on the spot in a road control, and such action leads to the initiation of follow-up proceedings in relation to the commission of a road-safety-related traffic offence **the traffic offence notice** should **be sent to the non-resident driver. In the cases of on the spot checks in relation to a commission of a road-safety related traffic offence and where the competent authority has enforced the sanction related to the committed offence on the spot by making the driver pay the fine on the spot, the driver should only be provided with certain essential elements, on the spot.**

¹⁶ Directive (EU) 2016/680 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data by competent authorities for the purposes of the prevention, investigation, detection or prosecution of criminal offences or the execution of criminal penalties, and on the free movement of such data, and repealing Council Framework Decision 2008/977/JHA, (OJ L 119, 4.5.2016, p. 89).

¹⁷ Regulation (EU) 2016/679 of the European Parliament and of the Council of 27 April 2016 on the protection of natural persons with regard to the processing of personal data and on the free movement of such data **■** and repealing Directive 95/46/EC (General Data Protection Regulation), (OJ L 119, 4.5.2016, p. 1).

- (19) In order to ensure that the *person concerned* is the one that actually receives the *traffic offence notice* and any follow-up documents, and to avoid the erroneous involvement of non-concerned third parties, rules on service of documents should be laid down.
- (20) In the case where it is not possible to deliver documents through *post*, registered delivery, *registered mail* or electronic means of equal value, the *competent authority of the* Member State of the offence should be allowed to rely on the *competent authority of the* Member State of registration or of residence to service the documents and communications to the person concerned under their own national legislation governing the service of documents. *Member States should use their national contact points in order to allow for a secure and efficient transfer of both the outgoing request to deliver procedural documents and the incoming response to it.*
- (21) Both the *traffic offence notice* and any follow-up documents should be sent in the language of the registration document of the vehicle. *In those cases where a traffic offence notice and other follow-up communications are being sent out in a language the recipient does not understand, the person concerned should be allowed to ask to receive the follow-up documents in a different official EU language of choice other than the language of the registration document of the vehicle. The competent authority of the Member State of the offence should grant this request.*

- (23) Effective legal review should be provided in case the *competent* authorities of the Member State of the offence do not comply with the language standards and rules on the service of documents and their respective national laws.
- (24) *In order to prevent abusive practices which arose during the implementation of the previous Directive and to safeguard the fundamental rights of the citizens concerned by the cross-border proceedings established by this Directive, the Member States should ensure that their competent authorities in charge of the implementation of this Directive fully comply with the obligations assigned to them without empowering the privately owned or managed legal entities with the activities related to the implementation of this Directive. In particular, the right to the protection of the personal data of the persons concerned by these proceedings, the right to good administration, the right to an effective remedy and a fair trial as well as the right to presumption of innocence and the rights of the defence, as well as the proper functioning of the cross-border information exchange mechanism established by this Directive require that only the designated national competent authorities should be able to initiate, conduct and enforce these proceedings. This should be without prejudice to the possibility for competent authorities to rely on the technical support services provided by privately owned or managed legal entities, such as postal services, building or maintenance of the radars, the analysis of drug or alcohol use by the private laboratories. A transitional period of two years should allow the Member States, which had recourse to the privately owned or managed legal entities in the implementation of this Directive, to ensure that their competent authorities are fully*

operational and able to manage the cross-border exchange proceedings in full respect with the rules set out in this Directive.

- (24a) It is necessary to highlight that there is a significant problem of non-enforcement of road traffic offences committed by non-residents and that the amendments to Article 1 of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, as amended by Framework Decision 2009/299/JHA, which lays down the definition of a decision, may not be sufficient to tackle this problem effectively.*
- (24b) As Framework Decision 2005/214/JHA is not tailored to mass processing of road-safety-related traffic offences for which small pecuniary sanctions are often qualified as administrative and in order to ensure equal treatment of resident and non-resident drivers, specific provisions in this Directive should be established to provide mutual assistance to enforce administrative decisions on road traffic fines across borders.*
- (24c) Member States should have the possibility under this Directive to enforce administrative decisions on road traffic fines across borders in order to ensure equal treatment of resident and non-resident drivers. This shall not preclude the application of the Framework Decision 2005/214/JHA.*
- (24d) The Commission, in collaboration with Member States, should carry out a review of solutions for cross-border access to electronic access to registers of traffic offences managed by national authorities with a view to assess the ways to improve access of citizens to their notifications.*
- (25) The scope of the information that Member States report to the Commission should be extended to include elements closely related to the objective of improving road safety. ***This should also cover information on the number of road-safety-related traffic committed by drivers of third-country registered vehicles and detected by the competent authority***, in order to enable the Commission to analyse the state of play in the Member States and to propose initiatives on a sound factual basis. To offset the additional administrative burden on Member States authorities and to align reporting with the Commission's evaluation calendar the reporting period should be extended. A transitional period should be granted so that the ongoing two-year reporting period may end seamlessly.

- (25a) *To attain the objectives put forward in the EU Road Safety Policy Framework 2021-2030 – Next steps towards “Vision Zero”, it could be considered how to address road-safety-related traffic offences committed by drivers of third-country registered vehicles. To that end different means for enhancing the cooperation and exchange of information on road-safety-related traffic offences between the Member States and third countries need to be explored, provided that equivalent protections are afforded to the persons concerned and the rules on the transfer of personal data to third countries are respected. Dedicated digital solutions should also be explored. This would be without prejudice of the right of Member States to agree bilateral or multilateral agreements with third countries on cooperation for the enforcement of road-safety-related traffic offences. This Directive should not preclude Member States to agree and apply bilateral or multilateral agreements between them, in so far as such agreements would exceed and help to simplify or facilitate the procedures set out in this Directive.***
- (26) As data relating to the identification of an offender constitutes personal data within the meaning of Regulation (EU) 2016/679 and Directive (EU) 2016/680, and the Union legal framework on handling personal data has been amended significantly since the adoption of Directive (EU) 2015/413, the provisions on the processing of personal data should be aligned with the new legal framework.
- (27) Pursuant to Article 62(6) of Directive (EU) 2016/680, the Commission is to review other acts of Union law which regulate processing of personal data by the competent authorities for the purposes set out in Article 1(1) of that Directive, in order to assess the need to align those acts with that Directive and to make, where appropriate, the necessary proposals to amend these acts to ensure a consistent approach to the protection of personal data within the scope of that Directive. That review¹⁸ has led to the identification of Directive (EU) 2015/413 as one of those other acts to be amended. It should therefore be clarified that processing of personal data should also comply with Directive (EU) 2016/680, where the processing falls within its material and personal scope.
- (28) Any processing of personal data under Directive (EU) 2015/413 should comply with Regulation (EU) 2016/679, Directive (EU) 2016/680 and Regulation (EU) 2018/1725¹⁹ within their respective scope of application.

¹⁸ COM(2020) 262 final

¹⁹ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, (OJ L 295, 21.11.2018, p. 39).

- (29) The legal basis for the processing activities necessary to establish the identity of the **person concerned** and deliver the **traffic offence notice** and the follow-up documents to the **persons concerned**, is laid down in Directive (EU) 2015/413, in line with Article 6(1)(e) and, where applicable, Article 10 of Regulation (EU) 2016/679 and Article 8 of Directive 2016/680. In line with same rules, this Directive lays down the legal basis for the Member States' obligation to process personal data for the purpose of providing mutual assistance to each other in identifying the persons **concerned** for the road-safety-related traffic offences listed in this Directive.
- (30) In some Member States, the personal data of **non-resident persons concerned** are stored in a network of servers ("cloud"). Without prejudice to the rules on personal data breach laid down in Regulation (EU) 2016/679 and Directive (EU) 2016/680, and on personal data breach and security incidents laid down in Directive (EU) 2022/2555 of the European Parliament and of the Council²⁰, Member States should ensure that they inform each other on cybersecurity incidents related to those data.
- (31) An online portal (the "CBE Portal") should be established to provide road users in the Union with comprehensive information on **the** road-safety-related traffic rules in place in Member States. **Such information should be understandable and accessible. This information should cover information on legal remedies, on any rights afforded to the persons concerned under this Directive including language options, information on the data protection rules and on the sanctions applicable, including where relevant the applicable non-financial effects, and the schemes and available means for the payment of the road traffic fines. Non-financial repercussions refer to penalty points systems or the fact that when committing a specific traffic offence, this can lead to the disqualification to drive by a temporary or permanent withdrawal of the driving licence of the person concerned.**
- (32) The Commission should provide proportionate financial support to initiatives which improve the cross-border cooperation in the enforcement of road-safety-related traffic rules in the Union, **including information campaigns throughout the Union on differences in national legislation, with a particular focus on neighbouring countries.**
- (32a) **Member States should endeavour to ensure that the revenues generated from financial penalties for road safety related offences, enforced under this Directive, are used to increase road safety and to ensure transparency on road safety measures.**

²⁰ Directive (EU) 2022/2555 of the European Parliament and of the Council of 14 December 2022 on measures for a high common level of cybersecurity across the Union, amending Regulation (EU) No 910/2014 and Directive (EU) 2018/1972, and repealing Directive (EU) 2016/1148 (NIS 2 Directive), (OJ L 333, 27.12.2022, p. 80).

- (33) In order to take into account relevant technical progress or changes to relevant legal acts of the Union, the power to adopt acts in accordance with Article 290 of the Treaty on the Functioning of the European Union should be delegated to the Commission in order to update the Annex to this Directive by amending it. It is of particular importance that the Commission carry out appropriate consultations during its preparatory work, including at expert level, and that those consultations be conducted in accordance with the principles laid down in the Inter-institutional Agreement on Better Law-Making of 13 April 2016²¹. In particular, to ensure equal participation in the preparation of delegated acts, the European Parliament and the Council receive all documents at the same time as Member States' experts, and their experts systematically have access to meetings of Commission expert groups dealing with the preparation of delegated acts.
- (34) In order to ensure uniform conditions for the implementation of Directive (EU) 2015/413, implementing powers should be conferred on the Commission to specify the procedures and technical specifications, including cybersecurity measures, for the automated searches to be conducted in relation to the investigation of the road-safety-related traffic offences, the content of the standard electronic form for the request and the means of transmission of the information relating to the request for mutual assistance in identifying the *person concerned*, the content of electronic forms for the request for mutual assistance for the service of the *traffic offence notice* and of the follow-up documents ■ and the use and maintenance of the CBE Portal. The technical solutions should be aligned with the European Interoperability Framework and the relevant Interoperable Europe solutions referred to in the Proposal for a Regulation of the European Parliament and of the Council laying down measures for a high level of public sector interoperability across the Union (Interoperable Europe Act)²². The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²³.
- (35) Directive (EU) 2015/413 should therefore be amended accordingly.
- (35a) *Member States should ensure that adequate and effective mechanisms are in place for the enforcement or recovery of financial penalties.***

²¹ OJ L 123, 12.5.2016, p. 1.

²² COM(2022) 720 final

²³ Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers, (OJ L 55, 28.2.2011, p. 13).

- (36) Since the objectives of this Directive, namely to ensure a high level of protection for all road users in the Union and equal treatment of drivers by streamlining mutual assistance procedures between Member States in the cross-border investigation of road-safety-related traffic offences and by strengthening the protection of fundamental rights of non-residents where the offences are committed with a vehicle registered in a Member State other than the Member State in which the offence took place, cannot be sufficiently achieved by the Member States but can rather, by reason of the scale and effects of this Directive, be better achieved at Union level, the Union may adopt measures, in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve those objectives.
- (37) The European Data Protection Supervisor was consulted in accordance with Article 42(1) of Regulation (EU) 2018/1725 of the European Parliament and of the Council²⁴ and delivered an opinion on [DD/MM/YYYY].

HAVE ADOPTED THIS DIRECTIVE:

Article 1

Directive (EU) 2015/413 is amended as follows:

(-1) *The title of the Directive is replaced by the following:*

***‘DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL
amending Directive (EU) 2015/413 facilitating cross-border exchange of information and mutual assistance on road-safety-related traffic offences’***

(-1a) *Article 1 is replaced by the following:*

‘This Directive aims to ensure a high level of protection for all road users in the Union by facilitating the cross-border exchange of information on road-safety-related traffic offences and by facilitating the enforcement of sanctions, where those offences are committed with a vehicle registered in a Member State other than the Member State in which the offence took place.’

²⁴ Regulation (EU) 2018/1725 of the European Parliament and of the Council of 23 October 2018 on the protection of natural persons with regard to the processing of personal data by the Union institutions, bodies, offices and agencies and on the free movement of such data, and repealing Regulation (EC) No 45/2001 and Decision No 1247/2002/EC, (OJ L 295, 21.11.2018, p. 39).

(1) Article 2 is amended as follows:

- (a) in the first paragraph, the following points are added:
- ‘(i) not keeping *a safe* distance from the vehicle in front;
 - (j) dangerous overtaking;
 - (k) dangerous parking *or stopping*;
 - (l) crossing one or more solid ■ lines;
 - (m) wrong-way driving;
 - (n) not respecting the rules on the creation and use of emergency corridors *or giving way to emergency service vehicles*;
 - (o) use of an overloaded vehicle;
 - (p) *not respecting the rules on vehicle-access-restrictions*;
 - (q) *hit-and-run*;
 - (r) *not respecting the rules at a railway level-crossing*;
- (b) the following paragraph is added:

‘This Directive shall not affect the rights and obligations stemming from the following provisions of Union legal acts:

- (a) Council Framework Decision 2005/214/JHA²⁵;
- (b) Directive 2014/41/EU of the European Parliament and of the Council²⁶;
- (c) the procedures for service of documents laid down in Article 5 of the Convention established by the Council in accordance with Article 34 of the Treaty on European Union, on Mutual Assistance in Criminal Matters between the Member States of the European Union²⁷;

25 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).

26 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).

27 OJ C 197, 12.7.2000, p.3.

- (d) the provisions concerning the rights of suspects and accused persons 2016/343²⁸, (EU) 2016/800²⁹ and (EU) 2016/1919 of the European Parliament and of the Council³⁰.

(2) Article 3 is amended as follows:

(a) *points (a), (j) and (l) are replaced by the following:*

‘(a) ‘vehicle’ means any means of transportation subject to registration according to the law of the Member State of registration or Member State of offence, which is normally used for carrying persons or goods by road. This includes vehicle combinations or trailers;

(j) ‘use of a forbidden lane’ means illegally using part of an already existing permanent or temporary road section, [] as defined in the law of the Member State of the offence;

(l) ‘national contact point’ means the authorities designated for the purposes of the incoming and outgoing automated exchange of vehicle registration data in accordance with Article 4, the incoming and outgoing requests for mutual assistance to identify the person concerned in accordance with Article 4a, the incoming and outgoing requests for mutual assistance to send the traffic offence notice or the follow-up documents to the person concerned in accordance with Article 5a1 and the incoming and outgoing requests and responses for mutual assistance in enforcement of final administrative decisions on road traffic fines imposed for road-safety-related traffic offences in accordance with Article 8b.’

[]
(c) the following points (o) to (zd) are added:

‘(o) ‘not keeping a safe distance from the vehicle in front’ means not maintaining sufficient distance from the vehicle in front [] , as defined in the law of the Member State of the offence []

(p) ‘dangerous overtaking’ means overtaking another vehicle or another road user in a way that infringes the applicable rules on overtaking, as defined in the law of the Member State of the offence;

28 Directive (EU) 2016/343 of the European Parliament and of the Council of 9 March 2016 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings (OJ L 65, 11.3.2016, p.1).

29 Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings (OJ L 132, 21.5.2016, p.1).

30 Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings (OJ L 297, 4.11.2016, p.1).

- (q) ‘dangerous parking’ means parking *or stopping* the vehicle in a way that infringes the applicable rules on *parking or stopping in a dangerous way, as defined in the law of* the Member State of the offence. Failure to pay parking fees and other similar offences shall not be considered dangerous parking;
- (r) ‘crossing one or more solid ■ lines’ means changing lanes with the vehicle through unlawfully crossing at least one solid ■ line, as defined in the law of the Member State of the offence;
- (s) ‘wrong-way driving’ means driving a vehicle against the designated direction of traffic, as defined in the law of the Member State of the offence;
- (t) ‘not respecting the rules on the creation and use of emergency corridors *or not giving way to* emergency *service* vehicles’ *means non-compliance with the rules* to enable emergency service vehicles, such as police vehicles, rescue vehicles or fire trucks, to pass through and arrive to the site of emergency, as defined in the law of the Member State of the offence;
- (u) ‘use of an overloaded vehicle’ means using a vehicle that does not comply with the requirements set for its maximum authorized weights *or maximum authorised axle weights*, as laid down in the national laws, regulations or administrative provisions transposing Council Directive 96/53/EC³¹, or in the law of the Member State of the offence for vehicles or operations for which there are no such requirements set in that Directive;
- (v) ‘*traffic offence notice*’ means the first communication *issued* by the *competent authority of* the Member State of the offence *to the person concerned* and which contains at least the information referred to in Article 5(2);
- (w) ‘follow-up documents’ *means any decision* or any other documents that the *competent authority of the Member State of the offence* issues after the *traffic offence notice* in connection to that *notice* or to the road-safety-related traffic offence in question, until the stage of appeal before a competent *authority with the power to adopt legally binding decisions*;

³¹ *Council Directive 96/53/EC of 25 July 1996 laying down for certain road vehicles circulating within the Community the maximum authorized dimensions in national and international traffic and the maximum authorized weights in international traffic (OJ L 235, 17.9.1996, p. 59).*

- (x) ‘**person concerned**’ means the person who is *identified as personally liable for a road-safety-related traffic offence listed in Article 2(1) in accordance with the national law of the Member State of the offence or the owner, holder, end user or the driver of the vehicle with which a road-safety-related traffic offence listed in Article 2(1) was committed, regardless of not being identified as personally liable* in accordance with the national law of the Member State of the offence;
- (y) ‘end user’ means any **person** who is not the owner or the holder of the vehicle, *but another person indicated in the vehicle registry of the Member State of registration, who may lawfully use that vehicle or be responsible for its day-to-day operations*, in particular under a long-term lease or rental contract or as part of a vehicle fleet available to employees **;**
- (z) ‘Member State of residence’ means any Member State that can be assumed to a reasonable degree of certainty to be the place of *normal* residence of the *person concerned*;
- (za) ‘*not respecting the rules on vehicle-access-restrictions*’ means *not respecting access regulations of vehicle categories for the purpose of road safety that are clearly and visibly demarcated, such as pedestrian and school zones, and cycling lanes, as defined in the law of the Member State of the offence. Conducts falling under this definition shall not be covered by the Directive, in the following cases:*
- (i) *information on the boundaries of restrictions, prohibitions or obligations with zonal validity, current access status and conditions for circulation in vehicle-access-restricted zones as well as data on permanent vehicle-access-restrictions was not created and made accessible via the national access point in accordance with Commission Delegated Regulation (EU) 2022/670³²;*
 - (ii) *not respecting the rules related to charges and other fees that are to be paid before entering an area subject to vehicle-access-restrictions;*
- (zb) ‘*hit-and-run*’ means *a situation in which the offender drives away after causing an accident or traffic collision in order to avoid facing the consequences of the accident or traffic collision, as defined in the law of the Member State of the offence;*

³² *Commission Delegated Regulation (EU) 2022/670 of 2 February 2022 supplementing Directive 2010/40/EU of the European Parliament and of the Council with regard to the provision of EU-wide real-time traffic information services (OJ L 122, 25.4.2022, p. 1).*

- (zc) *‘not respecting the rules at a railway level-crossing’ means failing to stop at a railway level-crossing or acting in a dangerous way at a railway level-crossing, as defined in the law of the Member State of the offence;*
- (zd) *‘competent authority’ means the authority responsible for registration of vehicles or drivers, for starting the follow-up proceedings or investigating the road-safety-related traffic offences listed in Article 2(1) or enforcing relevant sanctions, in accordance with the national legislation of Member States;’*

(3) the following Article **■** is inserted:

‘Article 3a
National contact points

1. **■** Each Member State shall designate *one or more* national contact points *for*:
- (a) *automated exchange of vehicle registration data in accordance with Article 4;*
 - (b) *the incoming and outgoing requests and responses for mutual assistance to identify the person concerned in accordance with Article 4a;*
 - (c) *the incoming and outgoing requests and responses for mutual assistance to service the traffic offence notice or the follow-up documents to the person concerned in accordance with Article 5a1 and*
 - (d) *the incoming and outgoing requests and responses for mutual assistance in enforcement of final administrative decisions on road traffic fines imposed for road-safety-related traffic offences in accordance with Article 8b.*

The powers of the national contact points shall be governed by the applicable law of the Member State concerned.

2. Member States shall ensure that their respective national contact points cooperate with *each other* in order to ensure that all necessary information is shared in due time, and that the time limits laid down in Article 4a(4), Article 4a(7) and Article 5a(2) are complied with.’;

(4) Article 4 is replaced by the following:

‘Article 4

Procedures for the exchange of vehicle registration data and mutual assistance between Member States

1. For the investigation of the road-safety-related traffic offences listed in Article 2(1) ***that were detected on the territory of the Member State of the offence, the Member State of registration shall grant the national contact points of the Member State of offence*** access to the following national vehicle registration data, with the power to conduct automated searches thereon:
 - (a) data relating to vehicles;
 - (b) data relating to ***holders and, where available, owners and*** end users of the vehicles **■** .

The data elements referred to in the first subparagraph, points (a) and (b), which are necessary to conduct a search shall be those set out in the Annex.

When conducting a search in the form of an outgoing request, the ***competent authority*** of the Member State of the offence shall use a full registration number. ***The competent authority of the Member State of the offence shall also ensure that each outgoing request includes the name of the competent authority making the request, the username of the person handling the request and the case number of the request.***

- 1a. ***In order to establish in the case of the traffic offences listed in Article 2(1), where appropriate, if a relevant traffic offence has been committed with a vehicle, the competent authority may first request access, via its national contact point, only to vehicle technical data contained in Section 2, Part II of the Annex. When it is established that an offence is committed, the competent authority may subsequently request access, via its national contact point, to the personal data related to the person concerned contained in Section 2, Parts III, IV, V and VI of the Annex.***
 - 1b. ***The Member State of the offence shall use the data obtained in the investigation of the road-safety-related traffic offences listed in Article 2(1) in order to establish who is personally liable for these road-safety-related traffic offences as defined in the law of the Member State of the offence.***

■

4. *The national contact point of the Member State of registration shall ensure that at least in the following cases a specific message is returned, informing that at the time of the offence:*
- (a) the vehicle was scrapped;*
 - (b) the vehicle is recorded as stolen in any national register;*
 - (c) the vehicle ■ registration plate is recorded as stolen in any national register;*
 - (d) no information of a registered vehicle is found in the national vehicle register;*
 - (e) the search input is detected as not correct, based on some national syntax requirements;*
 - (f) the information cannot be disclosed in the case that the requested information would reveal the identity of a person protected in accordance with the national law of the Member State of registration.*

■

- 8a. The national contact point of the Member State of registration shall ensure that no other personal data elements are shared than those related to the committed offence.*
- 8b. The Member State of the offence shall ensure that only its competent authorities have access to the vehicle registration data exchange, via its national contact points.*
- 8c. For the mutual assistance in accordance with Articles 4a, 5a1 or 8b, the competent authorities of the Member States shall ensure that every request for mutual assistance includes the name of the competent authority making the request, the username of the person handling the request and the case number of the request.'*

(5) the following Articles are inserted:

**‘Article 4-a
National Vehicle Registers**

1. *Member States shall ensure that the data elements listed in Section 2, Parts I, II and IV of the Annex, when available in their national vehicle registers are up to date.*
2. *Member States shall, for the purposes of this Directive, retain the data elements referred to in Section 2, Part V and VI of the Annex, when available, in the national vehicle registry for at least 12 months after any modification of the owner, holder or end-user of the vehicle in question, and no longer as necessary, as defined in the law of the Member States.*

Article 4-a1

Technical specifications for the exchange of vehicle registration data and mutual assistance

1. *Member States shall use a specifically designed and highly secured software application of the European Vehicle and Driving Licence Information System (Eucaris), and amended versions of this software to exchange the information or process the mutual assistance, in accordance with Article 3a(1).*

Member States shall ensure that the processing of data in accordance with paragraph 1 is secure, cost-efficient, expeditious and reliable, and carried out by interoperable means within a decentralized structure.

2. *The Commission shall adopt at the latest one year after the entry into force of this Directive, implementing acts to establish the procedures, content and technical software specifications, including cybersecurity measures for the electronically structured requests and responses related to Article 3a(1)(a) and the means of transmission of the information for the processing of the mutual assistance, including the use of uniform templates, and procedures as set out in Articles 4, 4a, 5a1 and 8b.*
3. *Information exchanged via Eucaris shall be transmitted in encrypted form.*
4. *In establishing the implementing acts, the Commission shall take into account the following elements:*
 - (i) *the competent authorities shall have the possibility to identify direct and indirect access when the request does not come from a known member of the electronic communication platform;*

- (ii) *the Member State of registration shall have the possibility to ask the details of the offence prior to the transmission of the registration data to the Member State of the offence, and to grant the possibility to refuse the transmission of registration data if the first demand for details is not answered by that Member State within one month;*
- (iii) *the competent authorities shall have the possibility to consult the requests in order to guarantee that they are duly justified and comply with the requirements of this Directive;*
- (iv) *a journal of consultations leading to automatic alerts to the members in case of abnormal consultation peaks and*
- (v) *establish processes to enable Member States to take appropriate measures in response to these alerts and to abnormal requests, in order to mitigate the risks for the data, as well as to organize the cooperation between Member States on risk monitoring, management and mitigation, in particular for not sending data in response to abnormal requests as a derogation to article 4(1).*
- (vi) *where the competent authorities shall have the possibility to exchange data in synchronous single mode and where they shall have the possibility to exchange data in asynchronous batch mode.*

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).

5. *Until the implementing acts referred to in paragraph 2 of this Article have become applicable, the searches referred to in Article 3a(1)(a) shall be conducted in compliance with the procedures described in Chapter 3, points 2 and 3, of the Annex to Decision 2008/616/JHA³³, applied jointly with the Annex to this Directive.*
6. *Each Member State shall bear its own costs arising from the administration, use, maintenance and updates of the software application and its amended versions.*

³³ *Council Decision 2008/616/JHA of 23 June 2008 on the implementation of Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (OJ L 210, 6.8.2008, p. 12).*

Article 4a

Mutual assistance in identifying the person concerned

1. Member States shall provide mutual assistance to each other where ***the competent authorities*** of the █ Member State of the offence, ***after exhausting all other means available to them, in particular once they have:***

(a) ***conducted an automated search in accordance with Article 4(1) and***

(b) ***consulted other databases explicitly allowed to in accordance with Union and national legislation,***

and they still cannot identify the person concerned to the necessary degree of certainty required by its national legislation to initiate or conduct the follow-up proceedings referred to in Article 5(1).

1a. ***Member States shall apply mutual assistance under this Article, however, if after the assessment of the circumstances of individual cases the conditions laid down in Article 6 of Directive 2014/41/EU are fulfilled, the Member States bound by Directive 2014/41/EU may only apply Directive 2014/41/EU between them.***

2. ***The competent authority of the Member State of the offence shall decide whether to request mutual assistance to obtain additional information referred to in paragraph 3, second subparagraph. The request may be initiated only by a competent authority, in accordance with the national law of that Member State. The competent authority of the Member State of the offence shall use the data obtained in order to establish who is the personally liable for the road traffic offences listed in Article 2(1) of this Directive, which were committed on the territory of the Member State of the offence.***

3. When the ***competent authority of the Member State of the offence*** has decided to request mutual assistance in accordance with paragraph 1, ***it shall via*** its national contact point █ send an electronically structured █ request to the national contact point of the Member State of registration or Member State of residence.

The competent authority of the Member State of registration or Member State of residence may be requested:

█

(b) ***to establish the identity and address of the concerned person, in accordance with its national law, including by using other national databases such as driving licence registers or population registers.***

(c) *to ask the owner, holder or end user of the vehicle to provide information on the identity, address and, where available, other contact information of the liable person, in accordance with its national procedures applicable as if the investigative measure concerned had been ordered by its own authorities.*

4. **█** Unless it decides to invoke one of the grounds for refusal listed in paragraph 7 or it is not possible to gather the requested information, *the competent authorities of the Member State of registration or residence shall gather the requested information referred to in paragraph 3, without any undue delay. Without any undue delay and no later than 2 months from the day that the competent authority of the Member State of registration or residence has established the necessary information to respond to the request, it shall answer the request electronically via its national contact point.*

█
The competent authority of the Member State of registration and the Member State of residence shall comply with the formalities and procedures expressly requested by the competent authority of the Member State of the offence, when gathering the additional information, to the extent that they are not incompatible with their national legislation.

█
7. *The competent authority of the Member State of registration or the Member State of residence may refuse to provide the additional information requested in accordance with paragraph 3. They shall do so only in the following cases:*

- (a) *there is an immunity or a privilege under the law of the Member State of the registration or the Member State of residence, which makes it impossible to provide the information;*
- (b) *providing the requested information would be contrary to the principle of **ne bis in idem** or would jeopardise an ongoing investigation of a criminal offence;*
- (c) *providing the requested information would **be contrary to or would harm the essential interests of the national security of the requested Member State**, jeopardise the source of the information or involve the use of classified information relating to specific intelligence activities;*

- (d) there are substantial grounds to believe that providing the requested information would be incompatible with the Member State of registration's or with the Member State of residence's obligations in accordance with Article 6 of the Treaty on European Union and the Charter of Fundamental Rights of the European Union³⁴;
- (e) providing the requested information would *jeopardise the safety of an individual or* reveal the identity of a person protected in accordance with the national law of the Member State of registration or the Member State of residence.

■

No later than 2 months from the day when the competent authority of the Member State of registration or Member State of residence decides to apply a ground for refusal, or establishes that it is not possible to gather the requested information, it shall inform the Member State of the offence thereof via its national contact point. The competent authority of the Member State of registration or Member State of residence may decide not to specify which ground of refusal it applies in the cases referred to in points (b), (c) and (e).

■

11. The *electronically structured* request ■ shall *include the following information:*

- (b) data elements related to the *person concerned* obtained as a result of the automated search conducted in accordance with Article 4(1);
- (c) if available, the visual recording of the *driver* retrieved from detection equipment, in particular speed cameras;
- (d) *data relating to the road-safety-related traffic offence, listed in Article 2(1);*
- (e) *data relating to the involved vehicle;*
- (f) *a reason for the request for mutual assistance.*

■

³⁴ OJ C 326, 26.10.2012, p. 391

Article 4b

National measures facilitating the identification of the liable person

1. Member States may take any measures in relation to the road-safety-related traffic offences listed in Article 2(1) under their national legislation, in order to successfully identify the liable person, such as measures related to the obligation ***of the holder, owner or end user*** to cooperate in the identification of the liable person, provided that fundamental and procedural rights under Union and national law are respected.
2. In accordance with paragraph 1, ***the competent authorities*** may, in particular:
 - (a) serve documents to persons ***concerned in relation to*** road-safety-related traffic offences listed in Article 2(1), including documents asking ***the persons concerned*** to confirm their liability ***for the road-safety-related traffic offences***;
 - (b) apply obligations, ***including related sanctions***, placed on ***persons concerned*** which are relevant to the identification of the liable person, to the furthest possible extent.’




- (6) Article 5 is replaced by the following:

‘Article 5

Traffic offence notice on the road-safety-related traffic offences

1. ***The competent authority of the Member State of the offence*** shall decide whether or not to initiate follow-up proceedings in relation to the road-safety-related traffic offences listed in Article 2(1).

Where the ***competent authority of the Member State of the offence*** decides to initiate such proceedings, that ***competent authority*** shall  inform the ***person concerned*** about the road-safety-related traffic offence and, ***where appropriate***, of the decision to initiate follow-up proceedings by ***a traffic offence notice, whilst respecting the time limit set out in Article 5a, paragraph 2.***

The ***traffic offence notice*** may serve other purposes than those set out in the second subparagraph, ***needed for enforcement, such as a request for the disclosure of the identity and address of the liable person, an inquiry whether the person concerned admits or denies the commission of the offence or a request for payment.***

2. The **traffic offence notice** shall contain at least:
- (a) the indication that the **traffic offence notice** is issued for the purposes of this Directive;
 - (b) the name, postal address, telephone number and e-mail address of the competent authority **of the Member State of the offence**;
 - (c) all relevant information concerning the road-safety-related traffic offence, in particular data on the vehicle with which the offence was committed, including the vehicle registration number, the place, date and time of the offence, the nature of the offence, detailed reference to the legal provisions infringed and, where appropriate, data concerning the device used for detecting the offence;
 - (d) detailed information on the legal classification of the road-safety-related traffic offence, the applicable sanctions and other legal consequences of the road-safety-related traffic offence, including information related to driving disqualifications (including penalty points or other restrictions imposed on the right to drive), in accordance with the national law of the Member State of the offence;
 - (e) detailed information on where and how to exercise the rights of defence or to appeal the decision to pursue the road-safety-related traffic offence, including the requirements for the admissibility of such an appeal and the time limit for lodging the appeal, and on whether and under what conditions in absentia procedures apply, in accordance with the national law of the Member State of the offence;
 - (f) where applicable, information on **measures taken to identify the person concerned in accordance with Article 4b and the consequences of non-cooperation**;
 - (g) where applicable, detailed information on the name, address and International Bank Account Number (IBAN) of the authority where an imposed financial penalty can be settled, on the deadline for the payment and on **viable alternative and accessible** payment methods, in particular specific software applications, as long as those methods are accessible to both residents and non-residents;

- (h) ***clear and comprehensive*** information on the applicable data protection rules, the rights of the data subjects, ***an indication*** where **■** information ***provided*** pursuant to Article 13 of Directive (EU) 2016/680 of the European Parliament and of the Council, including information from which source the personal data originate, or Article 13 and 14 of Regulation (EU) 2016/679 of the European Parliament and of the Council ***may be retrieved, or an indication that the generally applicable data protection rules are available on the portal referred to in Article 8 of this Directive;***
 - (i) where applicable, detailed information on whether and how the sanctions for the offences listed in Article 2(1) can be mitigated, including by early payment of a financial penalty.
 - (j) ***during the transition period mentioned in Article 5b(2) and*** where applicable, a clear indication that the private **■** entity which sends it is a proxy empowered by the Member State of the offence in accordance with Article 5b and a clean delineation between the amounts of monies claimed, based on their legal ground.
- (ja) ***a link and, if possible, a QR code to the portal referred to in Article 8.***
3. ***The competent authority of the Member State of the offence shall ensure that in the case where a non-resident driver who was checked on the spot in a road control and where the competent authority has not enforced the sanction related to the committed offence on the spot, that the non-resident driver receives the traffic offence notice referred to in paragraph 2. This traffic offence notice shall be sent to the non-resident driver, in accordance with Article 5a(2).***
- 3a. ***The competent authority of the Member State of the offence shall ensure that in the case where a non-resident driver was checked on the spot in a road control and where the competent authority has enforced the sanction related to the committed offence on the spot, that the non-resident driver receives at least the following information:***
- (a) ***receipt of the financial transaction or a financial penalty charge notice to be paid within a specific period of time;***
 - (b) ***contact information of the competent authority;***
 - (c) ***information on the offences committed and, if relevant, how to ensure compliance in future;***
 - (d) ***if possible, a link or a QR code to the portal referred to in Article 8.***

This information shall be provided in one of the official languages of the Member State of the offence or any other official EU language deemed appropriate by the competent authority.

4. Upon request of *persons concerned, and as set out by the national law, the competent authority of the Member State of the offence* shall ensure that access is granted to all **■** information in the possession of the *competent authority of the Member State of the offence related to the investigation of a road-safety-related offence listed in Article 2(1). The Member State of the offence may consider requesting such information as a request to seek remedy against the imposed sanction, in which case they shall inform the person concerned in a clear and concise way about this fact in the traffic offence notice and of the legal and procedural implications of such a request.*
5. Member States shall ensure that the start of the time limits for non-residents to exercise their rights of appeal or to mitigate sanctions, in accordance with paragraph 2, points (e) and (i), *are proportionate to ensure the effective exercise of such rights and correspond to the date of postal or electronic dispatch or receipt of the traffic offence notice or the official decision on the liability of the person concerned.*

(7) The following Articles **■** are inserted:

‘Article 5a

Service of the traffic offence notice and follow-up documents

1. *The competent authority of the Member State of the offence shall send the traffic offence notice and the follow-up documents to the **■** persons concerned by post, registered delivery, registered mail or electronic means with equal value in accordance with Chapter III, Section 7 of Regulation (EU) 910/2014 of the European Parliament and of the Council³⁵.*
2. *The competent authority of the Member State of the offence shall ensure that the traffic offence notice and any follow-up documents are sent as defined in the law of the Member State of the offence. The traffic offence notice addressed to the holder, owner or end-user of the vehicle shall be issued no later than 11 months after the traffic offence, in case the automated searches in Article 4(1) were successful and the competent authority has established the identity and address of the holder, owner or end-user of the vehicle, to the necessary degree of certainty required by its national legislation.*

³⁵ *Regulation (EU) 910/2014 of the European Parliament and of the Council of 23 July 2014 on electronic identification and trust services for electronic transactions in the internal market and repealing Directive 1999/93/EC (OJ L 257, 28.8.2014, p. 73).’*

In case the automated searches in Article 4(1) were not successful or the competent authority was unable to establish the identity and address of the holder, owner or end-user of the vehicle to the necessary degree of certainty required by its national legislation, the traffic offence notice shall be issued no later than 5 months after the competent authority of the Member State of the offence has established this information.

9. *Member States are encouraged to permit persons concerned to connect remotely to court proceedings by video link.*

Article 5a1

Mutual assistance in the service of the traffic offence notice and follow-up documents

1. *The competent authority of the Member State of the offence may send the traffic offence notice or the follow-up documents to the persons concerned via the competent authorities of the Member State of registration or the Member State of residence, in the following cases:*
 - (a) *the address of the person for whom the document is intended is unknown, incomplete or uncertain;*
 - (b) *the procedural rules under the national law of the Member State of the offence require proof of service of the document, other than proof that can be obtained by post, registered delivery, registered mail or by equivalent electronic means;*
 - (c) *it has not been possible to serve the document by post, registered delivery, registered mail or by equivalent electronic means;*
 - (d) *the Member State of the offence has justified reasons for considering that the service of the document by post, registered delivery, registered mail or by equivalent electronic means in that particular case will be ineffective or is inappropriate.*

The competent authorities of the Member State of the offence and of the Member State of the registration or the Member State of the residence shall communicate with each other via their respective national contact points.

2. *The Member State of registration or the Member state of residence shall ensure that the traffic offence notice and the follow-up documents that are to be served in accordance with paragraph 1 are served either in accordance with their national law, or when duly justified, by a particular method requested by the Member State of the offence, unless such method is incompatible with their national law.*

3. *The Member State of registration or the Member State of residence shall ensure that the competent authority provides an electronically structured response including:*

- (a) *where the delivery is successful, the date of service and data about the person receiving the document;*
- (b) *where the delivery is not successful, a reason for failing to deliver the traffic offence notice or follow up document shall be given.*

The response of a successful delivery shall be considered as a proof of service of the document.

Article 5a2

Translation of the traffic offence notice and essential follow-up documents

1. *Where the competent authority of the Member State of the offence decides to initiate follow-up proceedings in relation to the traffic offences listed in Article 2(1), it shall issue the traffic offence notice and any essential follow-up documents in the language of the registration document of the vehicle.*

For the purposes of this Article, the competent authorities shall decide whether a follow-up document is essential. However, the competent authorities shall keep into account that the person concerned needs to understand the accusations and has to be able to fully exercise the right of defence. This includes, in particular, all relevant information concerning the offence, the nature of the offence committed, the penalty imposed, the legal remedies available against that decision, the time limit laid down for that purpose and the identification of the body before which the appeal must be lodged.

3. *The competent authorities shall, in any given case, decide whether any other document is essential.*
4. *There shall be no requirement to translate passages of essential documents which are not relevant for the purposes of enabling persons concerned to have knowledge of the case against them, in accordance with the second subparagraph of paragraph 1.*
5. *Upon request of the person concerned, the competent authority of the Member State of the offence shall allow the person concerned to receive the follow-up documents in one different official EU language than the language of the registration document of the vehicle.*

6. *Member States shall ensure that the quality of the translation of the traffic offence notice and of the follow-up documents is at least of the standard laid down in Article 3(9) of Directive 2010/64/EU.*
7. *The Member State of the offence shall ensure that the traffic offence notice and the follow-up documents served to the persons concerned are reviewed effectively and rapidly by the competent authority concerned, at the request of the person concerned on the grounds that such documents do not comply with this Article, Article 5, Article 5a and 5a1.*

Article 5b

Private legal entities █

1. *After two years following the transposition of this Directive, Member States shall ensure that competent authorities do not empower privately owned or managed legal entities with distinct legal personality for conducting any activities related to the application of this Directive.*
2. *Until the time period referred to in paragraph 1, Member States shall ensure that only competent authorities may initiate and conduct procedures related to the road-safety-related traffic offences listed in Article 2(1), such as the exchange of information, the enforcement, or any type of mutual assistance under this Directive.*

(8) Articles 6, 7 and 8 are replaced by the following:

'Article 6

Reporting and monitoring

- █
2. By [*four years after the date of entry into force of this Directive*], and every four years thereafter, each Member State shall send a report to the Commission on the application of this Directive. *The report shall contain data and statistics corresponding to each calendar year of the reporting period.*
3. The report shall indicate the number of automated searches conducted by the Member State of the offence in accordance with Article 4(1) and addressed to the national contact point of the Member State of registration, following road-safety-related traffic offences listed in Article 2(1) that were committed on its territory, together with the type of the offences for which requests were addressed and the structured number of failed requests according to the type of failure. This information may be based on the data provided through Eucaris.

The report shall also include a description of the situation at national level in relation to the follow-up given to the road-safety-related traffic offences **and any related problems encountered by Member States**. The description shall at least specify:

- (a) the total number of registered road-safety-related traffic offences listed in Article 2(1) which were detected automatically or without the identification of the ■ person **concerned** on the spot;
- (b) the number of registered road-safety-related traffic offences listed in Article 2(1) which were committed with vehicles registered in a Member State other than the Member State in which the offence took place and detected automatically or without the identification of the ■ person **concerned** on the spot;
- (c) the number of fixed or removable automatic detection equipment, including speed cameras;
- (d) the number of financial penalties paid voluntarily by non-residents;
- (e) the number of electronically transmitted mutual assistance requests **and responses** in accordance with Article 4a(3) and the number of such requests where the information was not provided;
- (f) the number of electronically transmitted mutual assistance requests **and responses** in accordance with **Articles 4a and 5a1(1)** and the number of such requests where it was not possible to serve the documents.
- (fa) the number of electronically transmitted mutual assistance requests and responses in accordance with Article 8b, the number of such requests where it was possible to enforce the sanctions and the number of such requests where it was not possible to enforce the sanctions.**

3a. The report shall also indicate the number and type of road-safety-related traffic offences listed in Article 2(1) committed by drivers with third-country registered vehicles.

4. The Commission shall assess the reports sent by the Member States and inform the Committee referred to in Article 10a on their content no later than 6 months after receiving the reports from all the Member States.

Article 7
Additional obligations

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Legal entities in their quality as holders, owners or end-users of vehicles subject to the data exchange of this Directive shall have the right to obtain information on the processing of their data.

Member States shall inform each other on cybersecurity incidents, notified pursuant to Article 23 of Directive (EU) 2022/2555, where the incidents relate to data stored in virtual or physical clouds or cloud-hosting services.

Article 8
Information portal on road-safety-related traffic offences ('CBE Portal')

1. The Commission shall establish and maintain an online CBE Portal available in all official languages of the Union dedicated to *sharing information with road users on the rules in the field covered by this Directive in force in the Member States, including where it is of particular relevance, how to ensure compliance. This shall include information on legal remedies, on any rights afforded to the persons concerned under this Directive including language options, information on the data protection rules and on the sanctions applicable, including where relevant the applicable non-financial effects, and the schemes and available means for the payment of the road traffic fines;*

- █
4. The CBE Portal shall be compatible with the interface established under Regulation (EU) 2018/1724 of the European Parliament and of the Council³⁶ and with other portals or platforms with a similar purpose, such as the European e-Justice Portal.

5. Member States shall provide up-to-date information to █ the Commission, for the purposes of this Article. *Member States shall ensure that a link to the online portal is provided on the websites of the competent authorities.*

█

³⁶ *Regulation (EU) 2018/1724 of the European Parliament and of the Council of 2 October 2018 establishing a single digital gateway to provide access to information, to procedures and to assistance and problem-solving services and amending Regulation (EU) No 1024/2012 (OJ L 295, 21.11.2018, p. 1).*

- (9) The following *Articles are* inserted:

‘Article 8a

Financial support for cross-border cooperation in enforcement activities

The Commission shall provide financial support to initiatives that contribute to cross-border cooperation in the enforcement of road-safety-related traffic rules in the Union, in particular the exchange of best practices, the application of smart enforcement methodologies and techniques in the Member States, increasing the capacity building of enforcement authorities. ***Financial support can also be provided for awareness raising campaigns regarding cross-border enforcement actions and information campaigns throughout the Union on differences in national legislation.***

Article 8b

Mutual assistance in enforcement activities

1. ***Member States shall provide enforcement assistance to each other in the case of non-payment of a road traffic fine imposed for the commission of a road-safety-related traffic offences listed in Article 2(1).***
2. ***After the service of the traffic offence notice to the person concerned and in the case of non-payment of a road traffic fine imposed by the competent authority of the Member State of the offence, the latter may request the competent authority of the Member State of the registration or the Member State of residence to assist in the enforcement of administrative decisions on road traffic fines related to road-safety-related traffic offences listed in Article 2(1).***
3. ***The request for assistance shall comply with the following criteria:***
 - (a) ***the decision on a road traffic fine shall be of administrative nature, final and enforceable according to the applicable laws and regulations of the requesting Member State;***
 - (b) ***the Member State of the offence is in the possession of a proof of service to the person concerned of the request for the payment of the road traffic fine;***
 - (c) ***the person concerned was informed of and had an opportunity to exercise the legal remedies against the administrative decision imposing a road traffic fine according to the applicable laws and regulations of the Member State of the offence and***
 - (d) ***the road traffic fine is higher than 70€.***
4. ***The competent authority of the Member State of the offence shall transmit the request related to the mutual assistance, referred to in paragraph 1 of this Article,***

to the Member State of the registration or the Member State of the residence in an electronically structured form.

5. *If the person concerned can demonstrate that the payment of the road traffic fine has been made, the competent authority of the Member State of the registration or the Member State of residence shall promptly notify the competent authority of the Member State of the offence about this.*
6. *The competent authorities of the Member State of the registration or the Member State of residence shall recognise the administrative decision on a road traffic fine which has been transmitted in accordance with this Article without any further formality being required and shall forthwith take all the necessary measures for its enforcement unless this competent authority decides to invoke one of the grounds for non-recognition or non-enforcement provided for in paragraph 8.*
7. *The enforcement of the decision on a road traffic fine shall be governed by the laws and regulations applicable in the Member State of registration or Member State of residence.*
8. *The competent authority of the requested Member State may refuse to recognise and enforce the administrative decision on a road traffic fine if it is established that:*
 - (a) *the enforcement of the decision on a road traffic fine is contrary to the principal of “ne bis in idem”;*
 - (b) *there is immunity under the law of the Member State of the registration or the Member State of the residence, which makes it impossible to enforce the administrative decision on a road traffic fine;*
 - (c) *the decision on a road traffic fine is no longer enforceable under the law of the Member State of the registration or the Member State of the residence due to lapse of time;*
 - (d) *the decision on a road traffic fine is not final;*
 - (e) *the decision on a road traffic fine or at least its essential content is not translated as defined in Article 5a2;*
 - (f) *the request is incomplete and cannot be completed by the competent authorities of the Member State of the offence or*
 - (g) *fundamental rights or fundamental legal principles as enshrined in the Charter of Fundamental Rights of the European Union are infringed upon.*

If a request is rejected, the competent authority of the Member State of the registration or the Member State of the residence shall notify the competent authority of the Member State of the offence, stating the reasons for the rejection.

9. *The sum of money obtained from the enforcement of the decision on a road traffic fine shall accrue to the Member State of the registration or the Member State of the residence unless otherwise agreed between the Member State of the offence and the Member State of the registration or the Member State of the residence. The money shall be accrued in the currency of the Member State of the registration or the Member State of the residence, whichever is being requested.*
10. *Paragraphs 1 to 9 shall not preclude the application of the Framework Decision 2005/214/JHA, bilateral or multilateral agreements or arrangements between Member States in so far as such agreements or arrangements help to simplify or facilitate further the procedures for the enforcement of financial penalties under the scope of this Directive.*

Article 8c

Bilateral and multilateral agreements between Member States

This Directive shall not preclude the application of bilateral or multilateral agreements or arrangements between Member States in so far as such agreements or arrangements allow the prescriptions of this Directive to be exceeded and help to simplify or facilitate further the procedures set out in this Directive.

- (10) Article 9 is replaced by the following:

'Article 9 Delegated acts

The Commission shall be empowered to adopt delegated acts in accordance with Article 10 to amend the Annex to update it in the light of technical progress or where this is required by legal acts of the Union directly relevant to the updating of the Annex.'

- (11) The following Article **■** is inserted:

'Article 10a Committee procedure

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council³⁷.

³⁷ *Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for*

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the █ committee *delivers no opinion, the Commission shall not adopt the draft implementing act and Article 5(4), third subparagraph, of Regulation (EU) No 182/2011 shall apply.*

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- (12) Article 11 is replaced by the following:

***‘Article 11
Reporting by the Commission***

The Commission shall submit a report to the European Parliament and to the Council on the application of this Directive by the Member States no later than 18 months after receiving the reports referred to in Article 6(2) from all Member States.’

- (12a) *The following Article is inserted:*

***‘Article 12
Revision***

By [insert date: three years after the transposition], the Commission shall submit a report to the European Parliament and to the Council on the application of this Directive by the Member States. The report shall be accompanied, if appropriate, by a proposal to the European Parliament and the Council for further revision of this Directive regarding the inclusion of other offences, in so far as Member States’ data shows their positive and quantifiable effects on road safety.’

- (13) Annex I is replaced by the text in the Annex to this Directive;
- (14) Annex II is deleted.

***Article 1a
Transitional reporting***

Member States shall send at the latest on 6 May 2026 a comprehensive report to the Commission in accordance with the second and third subparagraph of this Article.

The comprehensive report shall indicate the number of automated searches conducted by the Member State of the offence addressed to the national contact points of the Member States of registration, following offences committed on its territory, together with the type of offences for which requests were addressed and the number of failed requests.

control by Member States of the Commission’s exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).’

The comprehensive report shall also include a description of the situation at national level in relation to the follow-up given to the road-safety-related traffic offences, based on the proportion of such offences which have been followed up by traffic offence notices.

Article 2
Transposition

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [***please insert: thirty months after the date of entry into force of this Directive***] at the latest. They shall forthwith communicate to the Commission the text of those provisions.

When Member States adopt those provisions, they shall contain a reference to this Directive or be accompanied by such a reference on the occasion of their official publication. Member States shall determine how such reference is to be made.

2. Member States shall communicate to the Commission the text of the main provisions of national law which they adopt in the field covered by this Directive.

Article 3
Entry into force

This Directive shall enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

Article 4
Addressees

This Directive is addressed to the Member States.

Done at Brussels,

For the European Parliament
The President

For the Council
The President

Annex

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

1. Data elements of initiating search (outgoing request)

Item	M ⁽¹⁾	Remarks
Member State of registration	M	Distinguishing sign ⁽²⁾ of the Member State of registration of the detected vehicle
Registration number	M	Full registration number of the detected vehicle
Data relating to the offence <i>and/or</i> vehicle control	M	
<i>Location of the offence</i>	<i>M</i>	<i>Address or road kilometre marking of where the offence took place</i>
Member State of the offence <i>and/or</i> vehicle control	M	Distinguishing sign ⁽³⁾ of the Member State of the offence
<i>Competent authority</i>	<i>M</i>	<i>Name of the competent authority in accordance with Article 4(1) which is in charge of requesting the data or in charge of the proceedings</i>
<i>Username</i>	<i>M</i>	<i>Username of the person in accordance with Article 4(1), who is in charge of requesting the data or in charge of the proceeding</i>
<i>Case number</i>	<i>M</i>	<i>Case number provided by the authority in charge of the proceedings making request in accordance with Article 4(1)</i>
Reference date of the offence <i>and/or</i> vehicle control	M	
Reference time of the offence <i>and/or</i> vehicle control	M	
Purpose of the search	M	Code indicating the type of road-safety-related-traffic offence as listed in Article 2(1) 1. = Speeding 2. = Drink-driving 3. = Failing to use a seat belt 4. = Failing to stop at a red traffic light 5. = Use of a forbidden lane 10. = Driving under the influence of drugs 11. = Failing to wear a safety helmet 12. = Illegally using a mobile phone or any other communication devices while driving

		<p>[...] = Not keeping a safe distance from the vehicle in front</p> <p>[...] = Dangerous overtaking</p> <p>[...] = Dangerous parking or stopping</p> <p>[...] = Crossing one or more solid white lines</p> <p>[...] = Wrong-way driving</p> <p>[...] = Not respecting the rules on the creation and use of emergency corridors or not giving way to emergency service vehicles</p> <p>[...] = <i>Use of</i> an overloaded vehicle</p> <p>[...] = <i>not respecting the rules on vehicle-access-restrictions</i></p> <p>[...] = <i>hit-and-run</i></p> <p>[...] = <i>not respecting the rules at a railway level-crossing</i></p>
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⁽¹⁾ M = Mandatory communication of the data element. ■

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

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

Part I. Data relating to vehicles provided in accordance with Article 4(1)

Item	M/O ⁽⁴⁾	Remarks ⁽⁵⁾
Registration number	M	(Code A) Full registration number of the requested vehicle
Chassis number/VIN	M	(Code E) Full chassis number/VIN of the requested vehicle
Member State of registration	M	Distinguishing sign ⁽⁶⁾ of the Member State of registration of the requested vehicle
Make	M	(Code D.1) Make of the requested vehicle e.g. Ford, Opel, Renault
Commercial description(s) of the vehicle	M	(Code D.3) Commercial description of the requested vehicle e.g. Focus, Astra, Megane
EU Category Code	M	(Code J) e.g. N1, M2, N2, L, T
First registration date	M	(Code B) Date of the first registration of the requested vehicle
Last registration date	M	(Code I) Date of the last registration of the requested vehicle
Language	M	Language of the vehicle registration document
Previous inquiries	O	The dates of previous inquiries on the requested vehicle

⁽⁴⁾ M = Mandatory communication of the data element when available in a Member State's national register, O = Optional communication of the data element.

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

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

Part II. Data relating to vehicles provided in accordance with Article 4(1a)

<i>Item</i>	<i>M/O (7)</i>	<i>Remarks (8)</i>
<i>Maximum technically permissible laden mass except for motorcycles</i>	<i>M</i>	<i>(Code F.1)</i>
<i>Maximum permissible laden mass of the vehicle in service in the Member State of registration</i>	<i>M</i>	<i>(Code F.2)</i>
<i>Maximum permissible laden mass of the whole vehicle in service in the Member State of registration</i>	<i>M</i>	<i>(Code F.3)</i>
<i>Mass of the vehicle in service with bodywork and with coupling device in the case of a towing vehicle in service from any category other than M1</i>	<i>M</i>	<i>(Code G)</i>
<i>Number of axles;</i>	<i>M</i>	<i>(Code L)</i>
<i>Wheelbase (in mm)</i>	<i>M</i>	<i>(Code M)</i>
<i>For vehicles with a total mass exceeding 3 500 kg, distribution of the technically permissible maximum laden mass among the axles:</i>	<i>M</i>	<i>(Code N)</i>

<i>axle 1 (in kg)</i>		<i>(Code N.1)</i>
<i>axle 2 (in kg), where appropriate</i>		<i>(Code N.2)</i>
<i>axle 3 (in kg), where appropriate</i>		<i>(Code N.3)</i>
<i>axle 4 (in kg), where appropriate</i>		<i>(Code N.4)</i>
<i>axle 5 (in kg), where appropriate</i>		<i>(Code N.5)</i>
<i>Technically permissible maximum towable mass of the trailer: braked (in kg) unbraked (in kg)</i>	<i>M</i>	<i>(Code O) (Code O.1) (Code O.2)</i>
<i>Engine: Type of fuel or power source</i>	<i>O</i>	<i>(Code P) (Code P.3)</i>
<i>EURO type</i>	<i>O</i>	<i>(Code V.9)</i>

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

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

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

Item	M/O ⁽⁹⁾	Remarks ⁽¹⁰⁾
<u>Data relating to holders of the vehicle</u>		<i>(Code C.1)</i> The data refers to the holder of the specific registration certificate.
Registration holders' (company) name	<i>M</i>	<i>(Code C.1.1)</i> Separate fields shall be used for surname, infixes, titles, and the name in printable format shall be communicated.
First name	<i>M</i>	<i>(Code C.1.2)</i> Separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated.
Address	<i>M</i>	<i>(Code C.1.3)</i> Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated.
<i>Electronic means of communication</i>	<i>O</i>	<i>E-mail adress for electronic registered delivery services in accordance with Article 5a(1)</i>

Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	M	An identifier that uniquely identifies the person or the company
<u>Data relating to owners of the vehicle</u>		(Code C.2) The data refer to the owner of the vehicle.
Owners' (company) name	M	(Code C.2.1)
First name	M	(Code C.2.2)
Address	M	(Code C.2.3)
Electronic means of communication	O	E-mail adress for electronic registered delivery services in accordance with Article 5a(1)
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	M	An identifier that uniquely identifies the person or the company

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

⁽¹⁰⁾ The codes are harmonised according to Annex I and II to Council Directive 1999/37/EC on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

Part IV. Data relating to end users of the vehicles

Item	M/O ⁽¹¹⁾	Remarks
<u>Data relating to end users of the vehicle</u>		The data refers to the end user of the vehicle.
Registration end users' / <i>company's</i> name	M	Separate fields shall be used for surname, infixes, titles, and the name in printable format shall be communicated.
First name	M	Separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated.
Address	M	Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated.
<i>Electronic means of communication</i>	<i>O</i>	<i>E-mail adress for electronic registered delivery services in accordance with Article 5a(1)</i>
Gender	O	Male, female

Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	M	An identifier that uniquely identifies the person <i>or the company</i>

(¹¹) M = Mandatory communication of the data element when available in a Member State's national register. O = Optional communication of the data element.

Part V. Data at the time when the offence was committed relating to previous holder and owner of the vehicle which is subject to the initiating search in Section 1 of this Annex, in accordance with Article 4-a(2)

Item	M/O (¹²)	Remarks (¹³)
<u>Data relating to previous holders of the vehicle</u>		(Code C.1) The data refers to the holder of the specific registration certificate.
Registration previous holders' (company) name	M	(Code C.1.1) Separate fields shall be used for surname, infixes, titles, and the name in printable format shall be communicated.
First name	M	(Code C.1.2) Separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated.
Address	M	(Code C.1.3) Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated.
<i>Electronic means of communication</i>	<i>O</i>	<i>E-mail adress for electronic registered delivery services in accordance with Article 5a(1)</i>
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	<i>M</i>	An identifier that uniquely identifies the person or the company.
<u>Data relating to previous owners of the vehicle</u>		(Code C.2) The data refer to the previous owner of the vehicle.
Previous owners' (company) name	M	(Code C.2.1)
First name	M	(Code C.2.2)
Address	M	(Code C.2.3)

Electronic means of communication	O	E-mail adress for electronic registered delivery services in accordance with Article 5a(1)
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	M	An identifier that uniquely identifies the person or the company.

(¹²)M = Mandatory communication of the data element when available in a Member State's national register, O = Optional communication of the data element.

(¹³)The codes are harmonised according to Annex I and II to Council Directive 1999/37/EC on the registration documents for vehicles (OJ L 138, 1.6.1999, p. 57).

Part VI. Data at the time when the offence was committed relating to previous end user of the vehicle which is subject to the initiating search in Section 1 of this Annex, in accordance with Article 4-a(2)

Item	M/O (¹⁴)	Remarks
<u>Data relating to previous end users of the vehicle</u>		The data refers to previous end user of the vehicle.
Registration previous end users' / company's name	M	Separate fields shall be used for surname, infixes, titles, and the name in printable format shall be communicated.
First name	M	Separate fields for first name(s) and initials shall be used, and the name in printable format shall be communicated.
Address	M	Separate fields shall be used for street, house number and annex, postal code, place of residence, country of residence, etc., and the address in printable format shall be communicated.
Electronic means of communication	O	E-mail adress for electronic registered delivery services in accordance with Article 5a(1)
Gender	O	Male, female
Date of birth	M	
Place of Birth	O	
ID Number	M	An identifier that uniquely identifies the person or the company .

(¹⁴) M = Mandatory communication of the data element when available in a Member State's national register, O = Optional communication of the data element.