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WORKING DOCUMENT

From:	General Secretariat of the Council
To:	Working Party on Land Transport
N° Cion doc.:	ST 6792/23 + ADD 1
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 - Comments from Member States

Delegations will find, attached, comments from **Romania** on the above-mentioned proposal.

NOTE

from :	Romanian delegation
To:	Presidency Council General Secretariat
Prev. doc.	doc. ST 6792/23
Subject :	Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/413 facilitating cross-border exchange of information on road-safety-related traffic offences

Following the discussion during the last Working Party on Land Transport for Proposal for a Directive of the European Parliament and of the Council amending Directive (EU) 2015/413, facilitating cross-border information exchange, on road-safety-related to traffic offences, please find below Romania's comments and questions on the text:

General remarks

The Ministry of Internal Affairs would like to thank the Commission for the initiative, in order to improve road safety in the European Union through better enforcement of road-safety-related traffic rules in the case of non-resident offenders who often escape sanctions.

Mainly, RO supports the purpose of the proposal to amend the directive, which aims at expanding its scope for a larger category of traffic violations, a measure likely to lead to an increase of the road traffic safety, by reducing the non-resident drivers' impunity.

However, we still maintain some reservations regarding some of the new provisions which, according to our understanding so far, may skew the initial scope of the directive, which was to provide an instrument for the member states to detect the liable person by interrogating other states' databases:

1. It is imperative to consider the proportionality between the objective pursued by implementing the directive provisions and the final desired goal.
2. In this sense, we emphasize that the introduction of the mutual assistance principle, between the member states, may cause dysfunctions in the directive provisions' implementation, and, at the same time, may constitute an unjustified administrative burden.
3. Extending the directive's scope of application to some contraventions, might represent a social danger, considered of a lower level in different member states, (such as the illegal stopping/parking of a motor vehicle) and, under the responsibility of the competent authorities in Romania, we would end up in carrying out a very high volume of activities, in order to identify motor vehicle drivers liable to sanctions.

4. These obligations, combined with the increased number of the Romanian population, outside the national territory, estimated to 4-6 millions, out of which approximately 2 million people hold a driving licences, issued by the Romanian authorities, lead to the idea that the mutual assistance principle between the member states, would have a negative impact, in particular the activity of the Romanian authorities and less of the foreign ones that will have powers incidental to these obligations.

Article 4a

Given the increasing tendency of mobility across EU, according to the provisions above, member states shall maintain a permanent communication between each other, in order to identify the liable person.

RO finds it as imperative to consider the **ratio of proportionality between the objective pursued by implementing the provisions of the directive in question and the final objective, since the available means of identifying the reliable person for the member state of the of residence are more or less the same, as the ones available for the member state of the offence**. Moreover, it is also essential to take into consideration the **discrepancy amongst member states, when it comes to the emigration rate**.

Article 4b

We emphasize that the introduction of the **principle of mutual assistance between the member states may cause dysfunctions in the directive's provision implementation**, and, at the same time, may generate an unjustified administrative burden for some member states, so it should very carefully consider that the outcome of the proposal must avoid becoming an actual step backwards.

Article 4c

The **process of mutual assistance between the member states**, as it is described in the proposal, comes to double the already in place mechanism (*Eucaris CBE platform*), without efficiently specifying the means to confirm, beyond any doubt, that the person of the member state of the offence is really the owner, holder or end-user of the vehicle (especially when it comes to the situation of a registered video or photo of the presumed offender).

Article 5a

RO considers that, from the legal and administrative point of view, also taking into account the human resources that will be involved in the mechanism to be established, related to a potentially increased number of automatic detection violations, on other states' territory, the legal assistance and **the activities of handing out the letter of information that needs regulating, represent**, in fact, an increase in the administrative burden on the competent authorities.

Considering the above, RO does not support articles 4a, 4b, 4c, and 5a of the draft amendment of the directive. This is related to red line for RO.