



Council of the European Union
General Secretariat

**Interinstitutional files:
2023/0052 (COD)**

Brussels, 11 April 2023

WK 4268/2023 ADD 4

LIMITE

TRANS

IA

CODEC

JAI

DAPIX

ENFOPOL

CATS

This is a paper intended for a specific community of recipients. Handling and further distribution are under the sole responsibility of community members.

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 **Spain** on the above-mentioned proposal.



Spanish comments on

Proposal for a DIRECTIVE OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Directive (EU) 2018/413 facilitating cross-border exchange of information on road-safety-related traffic offences

1.- GENERAL PROPOSALS:

- ✓ Spain reserves the right to raise, later, more questions and comments on all articles as on the Proposal as a whole. We must consult other Ministries and stakeholders.
- ✓ Spain cannot submit redacted texts due to lack of time.
- ✓ These are only initial observations.

2.- SOME SPECIFIC COMMENTS AND QUESTIONS:

- ✓ We suggest introducing a *new chapter in the Directive about mutual recognition of financial penalties*, article 8a is not enough considering the importance of the enforcement of financial penalties and the necessity of giving clear indications.
- ✓ *Reference to private entities to administer the follow-up proceedings, including the enforcement of financial penalties* in article 5b as well as in other articles must be considered by our Law Service.
- ✓ New articles 4a, 4b and 4c, although there are good premises for *mutual assistance*, may be quite difficult to put in practice, because of economic reason, high number of cases to be followed as well as legal considerations, for instance how to confirm the identity of a person visually recorded. With respect to article 4c, what specific other population registers may be considered?
- ✓ Something similar to the previous paragraph may be reproduced for modified article 5 and new article 5a. *Registered delivery* will increase the cost of postal service three times more than ordinary delivery and, in too many cases, with no proof of the reception of the notification. The *electronic means* will be desirable but we will need much more information about how it will work. The question of the use of the *language* must be clear enough to validate in what cases there is a need for using a specific language. Concerning the mandatory *content of the information letter*, it covers all the necessary information for the presumed offender, but we find quite difficult to make possible that the information letter delivered by the police to the offender on the spot in a road control may include all the information in the language of the offender. Nevertheless, we can think of

other ways to guarantee the rights of defence of the offender. Last paragraph of article 5.1 *"The information letter may serve other purposes than those set out in the second subparagraph"* must be clarify.

- ✓ Article 8 referred to Portal for cross-border exchange of information on road-safety-related traffic offences ("CBE Portal") can be a good tool for road users and Member States but we must consider, under a realistic point of view, about the content of the Portal, for instance, to share all the templates of information letters and follow-up documents issued by their authorities may be a very high volume of information to manage.