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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 – Presidency compromise

In view of the Land Transport working party on Wednesday 19 April 2023, delegations will find, attached, a Presidency compromise on the above mentioned proposal.

Changes compared to the Commission proposal are indicated in bold underline for **new text** and in strikethrough for ~~deleted text~~.

The Presidency did not make changes to all of the articles. The changes focus mainly on those aspects that have been discussed in the working party on 5 April and also relate to the written comments that have been received so far. Besides the inclusion of a new recital, the other recitals will still need to be reviewed. As the Annex was not discussed in detail so far, no changes have been made, yet.

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) **[and (d)]**, 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.
- (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

¹ OJ C , , p. .

² OJ C , , p. .

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 strong 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.

[(4a) The scope of the Directive should also be extended to cover not respecting the rules on vehicle access restrictions, as Member States also experience a lot of challenges enforcing the rules on non-residents. As these zones are introduced either for ensuring

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).

road safety, managing traffic or preventing pollution, it would be appropriate to extend the legal basis with Article 91(1), point (d), while taking into account that according to Article 11 of the TFEU environmental protection requirements must be integrated into the implementation of the Union's policies.]

- (5) Road-safety-related traffic offences are classified either as administrative offences 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. 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/JHA⁶, Directive 2014/41/EU of the European Parliament and of the Council⁷ 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 Union⁸. Further, criminal proceedings demanding specific guarantees for the individuals concerned, the procedural safeguards for suspects and accused persons, enshrined in Directives 2010/64/EU⁹,

⁶ 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).

⁷ 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).

⁸ OJ C 197, 12.7.2000, p. 3.

⁹ 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).

2012/13/EU¹⁰, 2013/48/EU¹¹, (EU) 2016/343¹², (EU) 2016/800¹³ and (EU) 2016/1919 of the European Parliament and of the Council¹⁴, 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 other 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 authorities and answer their requests within reasonable time. This should be the case regardless of the nature of the offence or the legal status of the authority, and in particular regardless of whether the 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.
- (8) The Member State of the offence should also 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.

¹⁰ 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).

¹¹ 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 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).

¹² 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).

¹³ 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).

¹⁴ 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 European Vehicle and Driving Licence Information System (Eucaris) software application, and amended versions of that software. Such an 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 prevent the exchange of information by other means, which would be less cost-efficient and may not ensure the protection of the transmitted data.
- (10) In order to ensure uniform conditions for the searches to be conducted by Member States, the Commission should be empowered to adopt implementing acts laying down procedures for such searches. 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 liable person 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 liable person. To that end, a mutual assistance procedure should be introduced aimed at identifying the liable person, either through a request for confirmation, on the basis of information already held by the Member State of the offence, or through a request for a targeted enquiry to be conducted by the relevant authorities of the Member State of registration or of the Member State of residence.
- (12) The Member State of registration or Member State of residence should provide the additional information requested by the Member State of the offence necessary for the identification of the liable person within reasonable time. If it is not possible to gather or provide the information, **the requested Member State should be informed without undue delay** ~~or it is not possible to do so without undue delay, a clear explanation should be given as regards the reasons thereof, and the delay be minimised as far as possible.~~
- (13) The grounds on which the provision of mutual assistance for the identification of the liable person can be refused by 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 they would apply if 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 concerned persons to cooperate in identifying the liable person. As those measures should have the same legal effects on the concerned persons 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 definition of what constitutes an information letter on the road-safety-related traffic offences and its content currently differs between Member States to such an extent that the fundamental and procedural rights of the persons involved in the follow-up procedures initiated by the Member State of the offence can be adversely affected. This is especially so in cases where so-called “pre-information letters” that do not comply with the language and information standards required under Directive (EU) 2015/413 are sent out. The persons affected by those practices are usually not 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 information letter 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 information letter should 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 appeal should also be supported by providing detailed information on where and how to exercise the rights of

defence or lodge an appeal in the Member State of the offence, in a language that the person concerned understands. A description of *in absentia* procedures should also be provided when applicable, as the presumed liable person 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 information letter should be the first document the owner, holder or end user of the vehicle or any other presumed liable person receives, it should contain the information under Article 13 of Directive (EU) 2016/680 of the European Parliament and of the Council¹⁵, 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 Council¹⁶. This information should be provided in the information letter either directly or by way of reference to the place where it is made available.

- (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 information letter should contain only certain essential elements, and be given to the person concerned directly as part of the road control procedures.
- (19) In order to ensure that the presumed liable person is the one that actually receives the information letter 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 registered delivery or electronic means of equal value, the Member State of the offence should be allowed to rely on the Member State of registration or of residence to service the documents and

¹⁵ 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).

¹⁶ 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).

communications to the person concerned under their own national legislation governing the service of documents.

- (21) Both the information letter and any follow-up documents should be sent in the language of the registration document of the vehicle or, if such information is not available or if necessary for the protection of fundamental rights, in the appropriate official language or languages of the Member State of registration or of residence. However, since some Member States have more than one official language, that obligation can lead to information letters and other follow-up communications being sent out in a language the recipient does not understand. In order for the appropriate language of the information letter to be determined, Member States should indicate to the Commission their preferred language, by territorial sub-divisions if deemed necessary. The Commission should publish the indicated language preferences. This should be without prejudice to the application of Directive 2010/64/EU, in accordance with its Article 1(3).
- (22) The Member State of the offence should allow the person presumed to be liable for a road-safety-related traffic offence to communicate, until the stage of appeal before a court, in any of the languages communicated by the Member State of registration, the Member State of residence, or the Member State of the offence to the Commission, or, if the concerned person has insufficient knowledge of those languages, in a language that the person speaks or understands, so as to facilitate the exercise of their procedural rights.
- (23) Effective legal review should be provided in case the 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) To ensure transparent and proportional application of financial penalties to road-safety-related traffic offences, which are subject to public law, presumed liable persons should not be forced to pay legal and administrative expenses related to the administration of the penalties where such administration is outsourced to private or public entities. Nevertheless, the authorities of Member States should be allowed to charge proportionate administrative fees.
- (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, in order to enable the Commission to better 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.

- (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 review¹⁷ 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) 2018/1725¹⁸ within their respective scope of application.
- (29) The legal basis for the processing activities necessary to establish the identity of the liable person and deliver the information letter and the follow-up documents to the presumed liable persons, 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 liable for the road-safety-related traffic offences listed in this Directive.

¹⁷ COM(2020) 262 final

¹⁸ 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).

- (30) In some Member States, the personal data of non-residents presumed to be liable or liable for a road-safety-related traffic offence 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 Council¹⁹, 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 road-safety-related traffic rules in place in Member States and allow road users to communicate with Member State authorities in an effective and secure manner. The portal should also facilitate communication between Member States’ authorities on various issues related to the cross-border investigation of road-safety-related traffic offences, such as for the verification of the authenticity of information letters and follow-up documents to eliminate the possibility of fraud. The exchanged personal data should be limited to what is necessary for the cross-border investigations and enforcement of sanctions, particularly the payment of financial penalties. The CBE Portal should be able to connect to other relevant portals, networks, websites or platforms to facilitate the exchange of information related to the enforcement of road-safety-related traffic rules. The Commission should be the controller of the CBE Portal, in accordance with Regulation 2018/1725.
- (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.
- (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 2016²⁰. In

¹⁹ 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).

²⁰ OJ L 123, 12.5.2016, p. 1.

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 liable person, the content of electronic forms for the request for mutual assistance for the service of the information letter and of the follow-up documents and of the respective certificate 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)²¹. The implementing powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council²².
- (35) Directive (EU) 2015/413 should therefore be amended accordingly.
- (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

²¹ COM(2022) 720 final

²² 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).

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 Council²³ and delivered an opinion on [DD/MM/YYYY].
- (38) In accordance with the Joint Political Declaration of 28 September 2011 of Member States and the Commission on explanatory documents²⁴, Member States have undertaken to accompany, in justified cases, the notification of their transposition measures with one or more documents explaining the relationship between the components of a directive and the corresponding parts of national transposition instruments. With regard to this Directive, the legislator considers the transmission of such documents to be justified,

HAVE ADOPTED THIS DIRECTIVE:

Article 1

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

- (1) Article 2 is amended as follows:
- (a) in the first paragraph, the following points are added:
- ‘(i) not keeping sufficient distance from the vehicle in front;
 - (j) dangerous overtaking;
 - (k) dangerous parking;
 - (l) crossing one or more solid white 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;’

²³ 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).

²⁴ OJ C 369, 17.12.2011, p. 14.

[(p) not respecting the rules on vehicle access restriction zones.]';

(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;
- (d) the provisions concerning the rights of suspects and accused persons laid down in Directives 2010/64/EU²⁸, 2012/13/EU²⁹, 2013/48/EU³⁰, (EU) 2016/343³¹, (EU) 2016/800³² and (EU) 2016/1919 of the European Parliament and of the Council³³.

(2) Article 3 is amended as follows:

(a) point ~~(a).~~(j) **and (l) is are** replaced by the following:

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.

²⁸ 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).

²⁹ 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).

³⁰ 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 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).

³¹ 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).

³² 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).

³³ 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).

(a) ‘vehicle’ means any power-driven vehicle, vehicle combination or its trailer, which is used for carrying persons or goods by road;

(j) ‘use of a forbidden lane’ means illegally using part of an already existing permanent or temporary road section, ~~such as a public transport lane or a temporarily closed lane for reasons of congestion or road works,~~ as defined in the law of the Member State of the offence;

~~(b) point (l) is replaced by the following:~~

(l) ‘national contact point’ means ~~a competent authority~~ **authorities** designated for the purposes of this Directive’;

(c) the following points (o) to (za) are added:

(o) ‘not keeping sufficient distance from the vehicle in front’ means not maintaining the **safe** distance ~~necessary to avoid collision with to~~ the vehicle in front ~~of the vehicle driven by the driver, if the preceding vehicle were to suddenly slow down or stop,~~ 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 ~~dangerous~~ overtaking in the Member State of the offence;

(q) ‘dangerous parking’ means parking the vehicle in a way that infringes the applicable rules on ~~dangerous~~ parking in the Member State of the offence. Failure to pay parking fees and other ~~similar offences~~ **fines related to parking in a forbidden place in a manner that does not infringe road safety** shall not be considered dangerous parking;

(r) ‘crossing one or more solid white lines’ means changing lanes with the vehicle through unlawfully crossing at least one solid white 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 giving way to emergency service vehicles**’ means non-compliance with the rules ~~concerning the creation and use for emergency purposes only of a temporary lane created between vehicles, which has to be formed by the drivers in order 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/EC³⁴, 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) ‘information letter’ means the first communication received by the **presumed liable** ~~persons referred to in Article 5(1), second subparagraph~~, whether it is an administrative or judicial decision or any other document sent by the Member State of the offence or any entity empowered to do so under its law, issued until the stage of appeal before a competent court and which contains at least the information referred to in Article 5(2);
- (w) ‘follow-up documents’ mean administrative or judicial decisions or any other documents that the Member State of the offence, or any entity empowered to do so under its law, issues after the information letter in connection to that letter or to the road-safety-related traffic offence in question, until the stage of appeal before a competent court;
- (x) ‘liable person’ means the person who is 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;
- (y) ‘end user’ means any natural person who is not the owner or the holder of the vehicle with which one of the offences listed in Article 2(1) was committed, but who was lawfully using that vehicle, in particular under a long-term lease or rental contract or as part of a vehicle fleet available to employees;

³⁴

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).

(z) 'Member State of residence' means any Member State that can be assumed to a reasonable degree of certainty to be the place of ~~habitual~~ **normal** residence of the **presumed liable** persons ~~referred to in Article 5(1), second subparagraph;~~

[(za) 'not respecting the rules on vehicle access restriction zones' means not respecting the rules on accessing or making use of a zone that is part of the territory of a Member State, as delimited by that Member State for the purpose of ensuring road safety, managing traffic or preventing pollution.]'

(3) the following Article 3a is inserted:

'Article 3a

National contact points

1. For the purposes of the exchange of information **and mutual assistance** under this Directive, each Member State shall designate ~~a~~ national contact points. 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 the authorities involved in the investigation of the road-safety-related traffic offences listed in Article 2(1), in particular in order to ensure that all necessary information is shared in due time, ~~and that the time limits laid down in Article 4a(5) and Article 5a(2) are complied with.~~';

- (4) Article 4 is replaced by the following:

'Article 4

Procedures for the exchange of vehicle registration information between Member States

1. For the investigation of the road-safety-related traffic offences listed in Article 2(1), Member States shall grant other Member States' national contact points 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 owners, holders, or end users of the vehicles where available.

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 national contact point of the Member State of the offence shall use a full registration number.

The Member State of the offence shall, under this Directive, use the data obtained in order to establish who is personally liable for road-safety-related traffic offences listed in Article 2 of this Directive.

~~2. Member States shall ensure that the data elements listed in Section 2, Parts I, II and IV of the Annex are available and up-to-date in their national vehicle registers.~~

~~3. Member States shall retain the data elements referred to in Section 2, Part IV and, when available, Section 2, Part V of the Annex, in the national vehicle registers for at least 6 months after any modification of the ownership or use of the vehicle in question.~~

4. Member States shall return ~~the~~ a specific message ‘~~Information not disclosed~~’ instead of the requested data elements in the following cases, informing that at the time of the offence:

- (a) the vehicle was ~~scrapped~~ temporarily or permanently de-registered from the national vehicle registry;
- (b) the vehicle’s full registration number is not provided, outdated or incorrect in the search conducted in the form of an outgoing request under paragraph 1;
- ~~(c) the vehicle’s full registration number, provided in the search conducted in the form of an outgoing request under paragraph 1, is outdated or incorrect.~~
- (d) Member States shall return the message ‘Stolen vehicle or registration plate’ instead of the requested data elements where the vehicle or the vehicle registration plate are recorded as stolen in the national vehicle registersregistry.

~~5. For automated searching of vehicle registration data, Member States shall use the specifically designed software application of the European Vehicle and Driving Licence Information System (Eucaris), and amended versions of this software.~~

~~Member States shall ensure that the automated searching of vehicle registration data is secure, cost-efficient, expeditious and reliable, and carried out by interoperable means within a decentralized structure.~~

~~The software shall provide for both online real-time exchange mode and batch exchange mode, the latter allowing for the exchange of multiple requests or responses within one message. The information exchanged via Eucaris shall be transmitted in encrypted form.~~

~~6. The Commission shall adopt implementing acts to establish the procedures and technical specifications, including cybersecurity measures for the automated searches conducted under this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).~~

~~7. Until the implementing acts referred to in paragraph 6 of this Article have become applicable, the searches referred to in paragraph 1 of this Article shall be conducted in~~

~~compliance with the procedures described in Chapter 3, points 2 and 3, of the Annex to Decision 2008/616/JHA³⁵, applied jointly with the Annex to this Directive.~~

~~8. Each Member State shall bear its own costs arising from the administration, use and maintenance of the software application and its amended versions referred to in paragraph 5.;~~

(5) the following Articles **4-a, 4-a1**, 4a, 4b and 4c 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 are available and up-to-date in their national vehicle registers.

2. Member States shall retain the data elements referred to in Section 2, Part IV and, when available, Section 2, Part V of the Annex, in the national vehicle registers for at least 6 months after any modification of the ownership or use of the vehicle in question.

When a Member State initiates a search in accordance with Article 4, it has no obligation to share other data elements than those related to the time of the committed offence.

Article 4-a1

Technical specifications for the exchange of vehicle registration data

1. For automated searching of vehicle registration data, Member States shall use the specifically designed software application of the European Vehicle and Driving Licence Information System (Eucaris), and amended versions of this software.

Member States shall ensure that the automated searching of vehicle registration data is secure, cost-efficient, expeditious and reliable, and carried out by interoperable means within a decentralized structure.

The software shall provide for both online real-time exchange mode and batch exchange mode, the latter allowing for the exchange of multiple requests or responses within one message. The information exchanged via Eucaris shall be transmitted in encrypted form.

³⁵ 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).

2. The Commission shall adopt implementing acts to establish the procedures and technical specifications, including cybersecurity measures for the automated searches conducted under this Article. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).

3. Until the implementing acts referred to in paragraph 6 of this Article have become applicable, the searches referred to in paragraph 1 of this Article shall be conducted in compliance with the procedures described in Chapter 3, points 2 and 3, of the Annex to Decision 2008/616/JHA³⁶, applied jointly with the Annex to this Directive.

4. Each Member State shall bear its own costs arising from the administration, use and maintenance of the software application and its amended versions referred to in paragraph 5.

Article 4a

Mutual assistance in identifying the liable person

1. Member States shall provide mutual assistance to each other where, based on the results of the automated search conducted in accordance with Article 4(1), the Member State of the offence cannot identify the liable person 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).

2. 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 issued only by an administrative or judicial authority, or by the police authority competent in the case concerned, in accordance with the national law of that Member State.

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

The Member State of registration or Member State of residence may be requested:

- (a) to confirm, on the basis of information already in its possession, that it can be assumed to a reasonable degree of certainty that the person visually recorded by the

³⁶ 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).

detecting equipment of the Member State of the offence is the owner, holder or end user of the vehicle, or any person presumed to be liable for one of the road-safety-related traffic offences listed in Article 2(1);

- (b) to ask the owner, holder or end user of the vehicle, or any person presumed to be liable for one of the road-safety-related traffic offences listed in Article 2(1) to provide information on the identity **and contact information** of the liable person, in accordance with its national law;

- (c) **to establish the identity and contact information of the owner, holder or end user of the vehicle, or any presumed liable person, in accordance with its national law.**

4. Where the Member State of registration or the Member State of residence receives a request referred to in paragraph 3, it shall gather the requested information, 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 Member State of registration or Member State of residence shall transmit the requested information electronically without undue delay via its national contact point to the national contact point of the Member State of the offence.~~

In the case referred to in paragraph 3, second subparagraph, point (b), the Member State of registration or Member State of residence shall request the information in accordance with the national procedures applicable as if the investigative measure concerned had been ordered by its own authorities unless it decides to invoke one of the grounds for refusal listed in paragraph 7.

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

5. Member States shall ensure that they provide the requested information without any undue delay from the receipt of the request.

Where it is not possible to gather the information ~~without undue delay from the receipt of the request~~, the national contact points of the Member State of registration or the Member State of residence shall ~~transmit that information to~~ **inform** the Member State of the offence as soon as possible, ~~with an adequate explanation of the reasons for the delay.~~

~~Where it has become clear that the Member State of registration or the Member State of residence will not be able to gather all or a part of the requested information, it shall immediately notify a detailed explanation of the reasons thereof to the Member State of the offence.~~

6. The request~~ing~~**ed** Member States may provide for a prior administrative or judicial validation procedure in order to ensure that the requested information is necessary and proportionate for the purpose of the identification of the liable person, in particular taking into account the rights of presumed liable persons.

7. Member States 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*;
- (c) providing the requested information would **be contrary to or would** harm **the** essential **interests of the** national security **of the requested Member State** ~~interests~~, 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 Union;

- (e) providing the requested information would 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;
- (f) where the Member State of registration or the Member State of residence provides for a prior administrative or judicial validation procedure referred to in paragraph 6, but the request was not validated by the Member State of the offence before transmitting it and, based on the circumstances of the particular case, the requested information is not considered necessary and proportionate for the purpose of the identification of the liable person.

~~Member States shall decide as soon as possible, but at the latest within 15 days after receiving the request, whether they invoke a ground for refusal.~~ Member States which decide to apply a ground for refusal shall inform the Member State of the offence thereof via its national contact point, without any undue delay. **Requested Member States may decide not to specify which ground of refusal it applies.**

~~8. Member States shall ensure that legal remedies equivalent to those available in a similar domestic case, are applicable to the case referred to in paragraph 3, second subparagraph, point (b).~~

9. The national contact points of the Member State of the offence, of the Member State of registration and of the Member State of residence may consult each other, by any appropriate means, with a view to facilitating the efficient application of this Article.

10. The request referred to in paragraph 2 shall be communicated in the language or one of the languages of the Member State of registration or Member State of residence notified to the Commission, in accordance with Article 5a(8).

The information provided in response to the request shall be communicated in the language or languages of the Member State of the offence notified to the Commission in accordance with Article 5a(8).

11. The Commission shall adopt implementing acts to further specify the content of the standard electronic form for the request, the means of transmission of the information referred to in paragraphs 3 and 4, and the functionalities and technical specifications of the software

application for data exchange, including cybersecurity measures. The software specifications shall provide for both online asynchronous exchange mode and asynchronous batch exchange mode, as well as for transmission of the data elements in encrypted form.

The standard electronic form for the request shall include the following information:

(a-1) the competent authority who requested mutual assistance;

- (a) the administrative or judicial decision on the validation of the requested information, referred to in paragraph 6, and details on the authority that took the decision, if applicable;
- (b) data elements relating to the owners, holders or end users of the vehicles obtained as a result of the automated search conducted in accordance with Article 4(1);
- (c) if available, the visual recording of the liable person retrieved from detection equipment, in particular speed cameras;

(d) data relating to the offence, as referred to in Article 2;

(e) data relating to the involved vehicle;

(f) a reason for the request of mutual assistance.

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

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 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, Member States may, in particular:

- (a) serve documents to persons presumed to be liable of committing the road-safety-related traffic offences listed in Article 2(1), including documents asking these persons to confirm their liability;

- (b) apply obligations placed on presumed liable persons which are relevant to the identification of the liable person, to the furthest possible extent.

Article 4c

Use of other databases

‘Member States may exchange or access data by using other databases such as driving licence registers or population registers for the sole purpose of the identification of the liable person. They shall do so only in so far as such exchange or access is explicitly ~~based~~ **allowed under** on Union **and national** legislation.’

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

Article 5

Information letter on the road-safety-related traffic offences

1. 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 Member State of the offence decides to initiate such proceedings, that Member State shall promptly inform the presumed liable person about the road-safety-related traffic offence and of the decision to initiate follow-up proceedings by an information letter.

The information letter may serve other purposes than those set out in the second subparagraph, **needed for enforcement, such as a request for payment or disclosure of the liable person.**

2. The information letter shall contain at least:

- (a) the indication that the letter is issued for the purposes of this Directive;
- (b) the name, postal address, telephone number and e-mail address of the competent authority;
- (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 the procedures for the persons referred to in paragraph 1, second subparagraph, of this Article to inform the authorities of the Member State of the offence on the identity~~ of the liable person in accordance with Article 4b;
- (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 alternative payment methods, in particular specific software applications, as long as those methods are accessible to both residents and non-residents;
- (h) information on the applicable data protection rules, the rights of the data subjects and the availability of further information or reference to the place where this information may be easily retrieved 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;

- (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) where applicable, a clear indication that the private or public entity which sends ~~it~~ **the information letter** is a proxy empowered by the Member State of the offence in accordance with Article 5b and a clear delineation between the amounts of monies claimed, based on their legal ground.

3. ~~By way of derogation from paragraph 2,~~ Member States shall ensure that in the case where the liable person is a non-resident driver who was checked on the spot in a road control, **the liable person receives at least** the information ~~letter contains at least the data~~ listed in paragraph 2, points ~~(e)~~, (d), (e) and (g). **This information shall be sent to the person concerned as soon as possible after the date of the offence.**

4. Upon request of the presumed liable persons, the Member State of the offence shall ensure that access is granted to all material information in the possession of the authorities competent for the investigation of a road-safety-related offence listed in Article 2(1).

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) points (e) and (i), correspond to the date of the receipt of the information letter.’

- (7) The following Articles 5a, **5a1** and 5b are inserted:

'Article 5a

Service of the information letter and follow-up documents

1. Member States shall send the information letter and the follow-up documents to the presumed liable persons by **post**, registered delivery 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 Council³⁷, ~~or in the case referred to in Article 5(3) of this Regulation give the information letter directly to the presumed liable person.~~

~~2. Member States shall ensure that the information letter is sent no later than one month from the registration of a road-safety-related traffic offence listed in Article 2(1), or where more information letters need to be sent during the investigation, 15 days from the event that made sending the subsequent information letters necessary.~~

~~Member States shall ensure that any other follow-up documents are sent within 15 days from the event that made sending them necessary.~~ **The Member States shall ensure that the information letter and any follow-up documents are sent as soon as possible and in the case of the information letter no later than 2 months from the registration of a road-safety-related traffic offence listed in Article 2(1).**

3. The Member State of the offence may send the information letter or the follow-up documents to the presumed liable persons via the authorities of the Member State of registration or the Member State of residence, in the following cases:

- (a) ~~the address~~ **contact information** 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 or by equivalent electronic means;
- (c) it has not been possible to serve the document by **post**, registered delivery or by equivalent electronic means;

³⁷ 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).

- (d) the Member State of the offence has justified reasons for considering that the service of the document by **post**, registered delivery or by equivalent electronic means in that particular case will be ineffective or is inappropriate.

4. The request ~~to initiate the mutual assistance procedure~~ referred to in paragraph 3 may be issued by an administrative or judicial authority, or by the police authority competent in the case concerned, in accordance with the national law of the Member State of the offence.

As set out in Article 3a, the competent authority of the Member State of the offence shall transmit the information letter or the follow-up documents in an electronically structured form to the competent authority of the Member State of registration or the Member State of residence.

~~The national contact point of the Member State of the offence shall transmit the information letter or the follow-up documents intended to be served to the national contact point of the Member State of registration or the Member State of residence, together with an electronically structured request.~~

5. ~~Member States~~ **The Member States of registration or the Member state of residence** shall ensure that the information letter and the follow-up documents to be served in accordance with paragraph 3 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.

6. **The Member State of registration or the Member State of residence shall ensure that the competent authority provides an electronically structured response** ~~The Member State of registration or the Member State of residence shall ensure that its national contact point draws up an electronically structured certificate and sends it to the national contact point of the Member State of the offence **including** in the following cases:~~

- (a) **where the delivery is successful, the date of service and data about the person receiving the document** ~~upon completion of the formalities concerning the service of the information letter or of the follow-up documents in accordance with paragraph 3,~~
- (b) **where the delivery is not successful, a reason for failing to deliver the information letter or follow up document shall be given** ~~where the delivery is not successful.~~

~~Where requested by the Member State of the offence, the certificate shall be accompanied by a copy of the documents served.~~

7. The request referred to in paragraph 4 shall be communicated in the language or one of the languages of the Member State of registration or Member State of residence notified to the Commission in accordance with ~~paragraph 8~~ **Article 5a1**. The ~~certificate~~ **response** referred to in paragraph 6 shall be communicated in the language of the Member State of the offence notified of the Commission in accordance with ~~paragraph 8~~ **Article 5a1**.

~~8. Where the Member State of the offence decides to initiate follow-up proceedings in relation to the road safety-related traffic offences listed in Article 2(1), that Member State shall send the information letter and the follow-up documents in the language of the registration document of the vehicle.~~

~~Where the language of the registration document of the vehicle is not available, or when there are reasonable doubts on whether sending the information letter or the follow-up documents in the language of the registration document of the vehicle would comply with the protection of fundamental rights of the person concerned, the information letter and the follow-up documents shall be sent in the official language or languages of the Member State of registration or the Member State of residence of the presumed liable person.~~

~~In cases covered by the second subparagraph of this paragraph, where there are several official languages in the Member State of registration or the Member State of residence, the information letters and the follow-up documents shall be sent in the official language or languages of the region or other geographical sub-division where the address of the presumed liable persons is located, or in another language which that Member State has indicated it would accept.~~

~~Each Member State shall communicate to the Commission any official language of the Union, in which the information letter may be sent, where necessary broken down by regions or other geographical sub-divisions. The Commission shall make the list of the accepted languages available on the online portal referred to in Article 8.~~

~~9. Member States shall ensure that the presumed liable persons are allowed to communicate with the authorities of the Member State of the offence, until the stage of appeal before a court, in any of the languages communicated by either the Member State of registration or the Member State of residence, or by the Member State of the offence to the Commission in~~

~~accordance with paragraph 8, or, if the concerned person has insufficient knowledge of those languages, in a Union language that the person speaks or understands.~~

~~10. Member States shall ensure that the quality of the translation of the information letter and of the follow-up documents is at least of the standard laid down in Article 3(9) of Directive 2010/64/EU.~~

~~11. The Member State of the offence shall ensure that the information letter and the follow-up documents served to the presumed liable persons may be reviewed effectively and rapidly by a court, tribunal or similar institution with the power to adopt legally binding decisions, at the request of any person who has a vested legal interest in the outcome of the proceedings initiated under Article 5, on the grounds that such documents do not comply with this Article.~~

12. The Commission shall adopt implementing acts to specify the content of electronic forms for the request referred to in paragraph 4 and of the certificate referred to in paragraph 6, and the functionalities and technical specifications of the software application for data exchange, including cybersecurity measures. The software specifications shall provide for both online asynchronous exchange mode and asynchronous batch exchange mode. The data shall be transmitted by using state-of-the-art encryption technology. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a(2).

Article 5a1

Interpretation and translation of the information letter and follow-up documents

1. Where the Member State of the offence decides to initiate follow-up proceedings in relation to the road-safety-related traffic offences listed in Article 2(1), that Member State shall send the information letter and the follow-up documents in the language of the registration document of the vehicle.

Where the language of the registration document of the vehicle is not available, or when there are reasonable doubts on whether sending the information letter or the follow-up documents in the language of the registration document of the vehicle would comply with the protection of fundamental rights of the person concerned, the information letter and the follow-up documents shall be sent in the official language or languages of the Member State of registration or the Member State of residence of the presumed liable person.

In cases covered by the second subparagraph of this paragraph, where there are several official languages in the Member State of registration or the Member State of residence, the information letters and the follow-up documents shall be sent in the official language or languages of the region or other geographical sub-division where the address of the presumed liable persons is located, or in another language which that Member State has indicated it would accept.

Each Member State shall communicate to the Commission any official language of the Union, in which the information letter and the follow-up documents may be sent, where necessary broken down by regions or other geographical sub-divisions. The Commission shall make the list of the accepted languages available on the online portal referred to in Article 8.

2. Member States shall ensure that the presumed liable persons are allowed to communicate with the authorities of the Member State of the offence, until the stage of appeal before a court, in any of the languages communicated by either the Member State of registration or the Member State of residence, or by the Member State of the offence to the Commission in accordance with paragraph 1 or, if the concerned person has insufficient knowledge of those languages, in a Union language that the person speaks or understands.

3. Member States shall ensure that the quality of the translation of the information letter and of the follow-up documents is at least of the standard laid down in Article 3(9) of Directive 2010/64/EU.

4. The Member State of the offence shall ensure that the information letter and the follow-up documents served to the presumed liable persons are reviewed effectively and rapidly by a competent judicial authority with the power to adopt legally binding decisions, at the request of any person who has a vested legal interest in the outcome of

the procedures initiated under Article 5, on the grounds that such documents do not comply with this Article.

Article 5b

Financial claims of legal entities empowered by Member States

Where Member States ~~shall ensure that where they~~ empower a private or public entity with distinct legal personality to administer the follow-up proceedings or parts thereof initiated under Article 5(1), including the enforcement of financial penalties, **they shall ensure that** the presumed liable persons ~~are~~ **is** not subject to that entity's charges related to legal and administrative expenses incurred by administering those proceedings. This is without prejudice for the right of the authorities of Member States to charge proportionate administrative fees.';

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

Article 6

Reporting and monitoring

1. At the latest on the following dates: 6 May 2024, 6 May 2026 (...), each Member State shall send a comprehensive report to the Commission in accordance with the second and third subparagraph of this paragraph.

Each comprehensive report shall indicate the number of automated searches conducted by the Member State of the offence addressed to the national contact point of the Member State 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.

Each 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 information letters.

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.

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. 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 liable person 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 liable person 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 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 in accordance with Article 5a(4) and the number of such requests where it was not possible to serve the documents.

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

This Directive is without prejudice to Union law on the protection of personal data and on cybersecurity, in particular ~~Without prejudice to obligations under Regulation (EU) 2016/679, Directive (EU) 2016/680 and Directive (EU) 2022/2555 of the European Parliament and of the Council³⁸;~~ **Member States shall ensure that all personal data processed in accordance with this Directive are only used for the objective set out in Article 1 of this Directive.**

Member States shall inform each other on cybersecurity incidents, notified pursuant to Article ~~40~~**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 ~~portal for cross-border exchange of information 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:

- ~~(a)~~ sharing information with road users on the rules in force in Member States in the field covered by this Directive, in particular road-safety-related traffic rules, appeal procedures, applied sanctions, and the schemes and available means for the payment of financial penalties;
- ~~(b)~~ ~~the exchange of information and other interactions between national contact points and other relevant authorities of Member States with each other and with other road users, in particular by providing access to specific applications of the Member States facilitating the enforcement of sanctions, including for the payment of financial penalties, where applicable. This may include exchanging vehicle registration data and the data on persons presumed to be liable or liable for road-safety-related offences listed in Article 2(1).~~

~~2. Access to the CBE Portal shall be provided for the national contact points and other relevant authorities that are competent in the identification of the liable persons and in the cross-border enforcement of road-safety-related traffic rules in Member States.~~

³⁸ 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).

3. Member States shall help road users in verifying the authenticity of the information letters and follow-up documents. For this purpose, Member States shall share with each other and with the Commission through the CBE Portal the templates of information letters and follow-up documents issued by their authorities, which are used in cross-border cases. Member States shall also inform each other on the authorities and empowered legal entities that have the right to issue those letters and documents. The Commission shall be the controller of the CBE Portal, in accordance with Regulation 2018/1725³⁹.
4. The CBE Portal shall be compatible with the interface established under Regulation (EU) 2018/1724 of the European Parliament and of the Council⁴⁰ 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 each other and to the Commission, for the purposes of this Article, and interact with road users through the CBE Portal on a regular basis.
6. The Commission shall adopt implementing acts in order to establish the technical specifications, including cybersecurity measures, necessary for the use and maintenance of the CBE Portal. Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 10a (2).'

³⁹ 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).

⁴⁰ 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 Article 8a is 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 and awareness raising campaigns regarding cross-border enforcement actions.’

- (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 10a 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 Council⁴¹.

⁴¹ 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).

2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply. Where the opinion of the committee is to be obtained by written procedure, that procedure shall be terminated without result when, within the time-limit for delivery of the opinion, the chair of the committee so decides or a simple majority of committee members so request.

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.’;

(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.’

(13) Annex I is replaced by the text in the Annex to this Directive;

(14) Annex II is deleted.

Article 2

1. Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by [two years 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

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

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)

1. Data elements of initiating search (outgoing request)

Item	M/O (i)	Remarks
Member State of registration	M	Distinguishing sign ⁽ⁱ⁾ 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	M	
Member State of the offence	M	Distinguishing sign ⁽ⁱ⁾ of the Member State of the offence
Reference date of the offence	M	
Reference time of the offence	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 [...] = Not keeping sufficient distance from the vehicle in front [...] = Dangerous overtaking [...] = Dangerous parking [...] = Crossing one or more solid white lines [...] = Wrong-way driving [...] = Not respecting the rules on the creation and use of emergency corridors [...] = Using an overloaded vehicle

(¹) M = Mandatory communication of the data element, O = Optional 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.

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

Part I. Data relating to vehicles

Item	M/O (¹)	Remarks (²)
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(³) 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
Registration date	M	(Code I) Date of the last registration of the requested vehicle
Language	O	Language of the vehicle registration document
Previous inquiries	O	The dates of previous inquiries on the requested vehicle

(¹) M = Mandatory communication of the data element, O = Optional communication of the data element.

(³) 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).

(²) 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.

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

Item	M/O (7)	Remarks (8)
<u>Data relating to holders of the vehicle</u>		(Code C.1) The data refers to the holder of the specific registration certificate.
Registration 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.
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	O	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)
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	O	An identifier that uniquely identifies the person or the company

(7) M = Mandatory communication of the data element. 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 end users of the vehicles

Item	M/O (c)	Remarks
<u>Data relating to end users of the vehicle</u>		The data refers to the end user of the vehicle.
Registration end users' 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.
Gender	O	Male, female
Date of birth	M	
Place of Birth	O	
ID Number	O	An identifier that uniquely identifies the person

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

Part IV. Data relating to previous holders and owners of the vehicles, in accordance with Article 4(3)

Item	M/O ⁽¹⁰⁾	Remarks ⁽¹¹⁾
<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.
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	O	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)
Gender	O	Male, female
Date of birth	M	
Legal entity	M	Natural or legal person
Place of Birth	O	
ID Number	O	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 V. Data relating to previous end users of the vehicles, in accordance with Article 4(3)

Item	M/O (⁽⁹⁾)	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' 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.
Gender	O	Male, female
Date of birth	M	
Place of Birth	O	
ID Number	O	An identifier that uniquely identifies the person.

(⁽¹⁰⁾) M = Mandatory communication of the data element when available in a Member State's national register, O = Optional communication of the data element.

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