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Road safety: EU crackdown on drivers committing traffic offences abroad

Drivers look set to be punished for traffic offences they commit abroad, including the four "big killers" causing 75% of road fatalities – speeding, running red lights, failure to use seatbelts and drink driving – under a proposal due to be voted on by the European Parliament this Wednesday

European Commission Vice-President Siim Kallas, responsible for transport underlined the need for an EU wide agreement saying "A foreign driver is three times more likely to commit an offence than a resident driver. Many people seem to think that when they go abroad the rules no longer apply to them. My message is that they do apply and now we are going to apply them."

EU figures suggest that foreign drivers account for 5% of traffic but around 15 % of speeding offences. Most go unpunished, with countries unable to pursue drivers once they return home.

The proposal

The proposal for a directive on cross-border enforcement in the field of road safety aim to remedy that situation. Ministers will consider a text that targets traffic offences with a critical impact on road safety, including the four "big killers" causing 75% of road fatalities:

(1) Speeding; (2) Failing to stop at traffic lights; (3) Failing to wear seatbelts; (4) Drink driving. As well as: (5) Driving under influence of drugs; (6) Failing to wear safety helmets; (7) Illegal use of an emergency lane; (8) Illegal use of a mobile phone while driving.

How will it work?

The proposal would enable EU drivers to be identified and thus prosecuted for offences committed in a Member State other than the one where their car is registered. In practical terms, the new rules will give Member States mutual access to each others' vehicle registration data via an electronic data exchange network to be put in place. This will allow for the exchange of the necessary data between the country in which the offence was committed and the country in which the car was registered. Once the owner's name and address are known, a letter to the presumed offender will be sent to him/her, on the basis of a model established by the proposed directive.

It will be for the Member State of offence (where the offence was committed) to decide on the follow up for the traffic offence. The directive does *not* harmonise either the nature of the offence nor the penalties for the offence. So it is the national rules in the Member State of offence, according to national law, which will continue to apply regarding both the nature of the offence and penalties.

What happens next?

If the Parliament votes in favour of the compromise text this Wednesday, the draft Directive will be formally adopted by Member States in the forthcoming weeks. After that Member States will have two years to transpose it in their national law before it comes into force.

The EU Road Safety Action Programme 2011–2020, which was launched in July 2010, aims to cut the number of road deaths by half by 2020. For more information on the detailed elements of the programme, as well as country by country statistics on road deaths see ([IP/10/970](#) and [MEMO/10/343](#)).

BACKGROUND INFORMATION – Cross-border enforcement

What is cross-border enforcement?

Pursuing and sanctioning traffic offences committed with a car that is registered in another Member State than the Member State where the offence has taken place.

What is the problem?

As things stand today, a driver committing an offence under the highway code in a car registered in another country of the European Union evades prosecution, with very few exceptions, because of the difficulty of identifying them or of being able to check the address to which the vehicle is registered.

Will the proposal harmonise traffic sanctions across the EU?

No.

The proposal for a directive on cross border enforcement in the field of road safety does *not* harmonise either the nature of the offence nor the penalties for the offence. Those will be decided by the national law of the country where an offence was committed.

It is also important to note that the proposal only deals with financial penalties; penalty points linked with a driving licence and withdrawing of a driving licence are not dealt with.

How will it work? How will this enable authorities to track down offenders from abroad?

By the application of an electronic data exchange network which enables national authorities to identify the holder of the car registration from other EU Member States. Once the owner's name and address are known, an offence notification, for which a model is established by the proposed directive, will be sent to him/her. It is up to the Member State of offence (where the offence was committed) to provide a translation of the letter sent in the language used in the car registration document.

What will happen if the offender is not the holder of the car certificate?

The offence notification which is sent to the holder of the car registration includes a reply form which gives him or her the possibility, to provide the relevant data for identifying the driver.

What will happen if the recipient just ignores the request?

There is already a Council Framework Decision on the mutual recognition of financial penalties which also covers road traffic offences. The Council framework Decision envisages that a final conviction to pay a fine by one Member State is recognised by the other Member States. The proposal for a directive on cross-border enforcement for road traffic offences applies to the earlier stages, as it aims at *identifying the offender*. But the Framework Decision will apply as a last resort in case of non-payment by the offender.

How significant are the problems caused by non-resident drivers?

- Non-resident drivers represent around 5% of the road traffic in the EU, whereas the share in the EU of non-resident drivers committing speeding offences is 15%, of all speeding offences.
- A foreign registered car is also three times more likely to commit offences than a resident driver.
- In cases such as in France, where transit and tourism are high, speeding offences committed by non-residents can reach 25% of the total number of offences and go up to 40–50% during very busy periods of the year.
- In this context, the positive effects of this measure will be of particular interest for countries such as Austria, Belgium, Luxembourg, France, Germany, Hungary, Italy, Poland, and Spain.
- The measure should also have a strong deterrent effect, encouraging drivers to respect traffic law applicable in the host country.

This measure, which aims at improving road safety, will also abolish the impunity of foreign drivers which currently creates a feeling of unfairness with regard to resident drivers and considerably reduces the public acceptance of enforcement. It ensures equal treatment of foreign and resident drivers.

The Commission's road safety action programme 2011–2020

In July 2010 the European Commission adopted challenging plans to reduce the number of road deaths on Europe's roads by half in the next 10 years. Initiatives proposed range from setting higher standards for vehicle safety, to improving the training of road users, and increasing the enforcement of road rules. In launching the action programme, European Commission Vice-President Siim Kallas, responsible for transport, said: "A hundred people die everyday on Europe's roads. We have made good progress since 2001 and we have succeeded in saving nearly 80,000 lives. But the number of fatalities and injuries on our roads is still unacceptable. We are looking at what kind of cars motorists drive, where they drive and how they drive and we want to cut road deaths in half by 2020."

The road safety action programme 2011–2020 sets out a mix of initiatives focussing on making improvements to vehicles, infrastructure and road users' behaviour. There are seven strategic objectives: Improved safety measures for trucks and cars; building safer roads; developing intelligent vehicles; strengthening licensing and training; better enforcement; targeting injuries; a new focus on motorcyclists.

For more information on the detailed elements of the programme, as well as country by country statistics on road deaths see ([IP/10/970](#) and [MEMO/10/343](#)).

See also [MEMO/10/635](#).