

identifies. The penalties should be effective, proportionate and dissuasive, in order to combat these clearly defined infringements of Community law.

2.7 This does not entail harmonising applicable criminal law, as Member States are merely called on to treat certain infringements identified by the Community legislature as criminal offences. However, ECJ case law does allow for the introduction of obligations for Member States in criminal matters, which is a

more effective way of strengthening European legislation and compliance therewith for major issues.

2.8 The Committee therefore welcomes and supports the proposal to amend the 2005 directive, and considers that the new means of identifying and monitoring ships to be gradually set up will ensure full compliance with the directive, by effectively and systematically penalising illegal practices.

Brussels, 17 September 2008.

The President  
of the European Economic and Social Committee  
Dimitris DIMITRIADIS

**Opinion of the European Economic and Social Committee on the ‘Proposal for a Directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety’**

COM(2008) 151 final — 2008/0062 (COD)

(2009/C 77/18)

On 13 May 2008 the Council decided to consult the European Economic and Social Committee, under Article 71(1)(c) of the Treaty establishing the European Community, on the

*Proposal for a Directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety.*

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee’s work on the subject, adopted its opinion on 16 July 2008. The rapporteur was Mr Simons.

At its 447th plenary session, held on 17 and 18 September 2008 (meeting of 17 September), the European Economic and Social Committee unanimously adopted the following opinion.

## 1. Conclusions

1.1 The Commission’s draft directive sets out proposals aimed at securing the more efficient and more effective enforcement and supervision of traffic offences committed in another Member State.

1.2 Its purpose is to help meet the Commission’s 2001 objective of halving the number of road fatalities between that date and 2010.

1.3 The target will be impossible to meet without further action. The current proposal is part of that process and focuses on tackling traffic offences committed in another Member State.

1.4 The Committee considers the draft directive to be a sound approach to dealing effectively with offences committed in another Member State. This must, however, also be accompa-

nied by effective and efficient checks and penalties. The Committee would therefore call on the Council and the Member States to make urgent improvements on this front.

1.5 The Committee feels that, to make the directive more effective, the list of offences proposed by the Commission needs to be expanded to include all offences that have a bearing on improving road safety.

1.6 In the interests of efficiency and effectiveness, the Committee feels that, to exchange information, use should be made of an existing electronic network, for instance, the EUCARIS system, as the costs involved are low. The Commission is advised at least to carry out a feasibility study — or have one carried out externally — on the possibility of expanding existing systems to incorporate the planned data exchange.

1.7 As punishment for offences, the Committee feels that consideration should also be given to tools such as a penalty-points driving licence, vehicle impoundment, and the temporary withdrawal of an offender's driving licence that may or may not be imposed alongside fines.

1.8 In terms of boosting efficiency, the Committee endorses the proposal that each Member State should designate a central authority to assist with the application of the measures set out in the draft directive.

1.9 The Committee considers there is no added value to be gained from the Commission's model offence notification form. The Committee takes the view that what matters is the content, not how it is presented. It therefore feels that the Commission should confine itself to setting out precisely the information required for the purposes of the directive.

1.10 The Committee endorses the Commission's proposed committee procedure for applying the projected measures.

## 2. Introduction

2.1.1 Under the 2001 European transport policy white paper, the EU aims to halve the number of road deaths by 2010. In tangible figures, that means cutting traffic deaths from 54 000 in the 27 EU Member States in 2001 to 27 000 in 2010.

2.1.2 Between 2001 and 2007, the number of fatalities decreased by 20 %, while a 37 % reduction would have been necessary to achieve the objective of halving the number of road fatalities by 2010. Efforts do therefore need to be stepped up.

### 2.2 The Commission proposal

2.2.1 To prepare the ground for this draft directive, the Commission organised a public information session and also held a meeting with representative stakeholders. These meetings helped shape the draft directive now on the table.

2.2.2 The Commission feels that the proposed directive is an effective means by which the objective can still be achieved and equal treatment secured for all EU citizens.

2.2.3 The draft directive seeks to improve the enforcement of offences committed with a vehicle registered in a Member State other than the one in which the offence took place.

2.2.4 Currently, traffic offences are often not sanctioned if they are committed with a vehicle registered in another Member State. The share of non-resident drivers in speeding offences, for instance, shows a range of 2.5 % to 30 %.

2.2.5 Tackling speeding — which available figures cite as the cause of 30 % of road fatalities — would be an effective way of significantly cutting the numbers of those killed on the roads.

2.2.6 The other offences included in the proposal are also of key importance: drink-driving (25 %), non-use of seat belts (17 %), and failing to stop at a red traffic light (4 %).

2.2.7 The Commission is not proposing to harmonise road traffic rules or penalties for road traffic offences. This remains a matter for the Member States. The proposal merely contains provisions of an administrative nature for putting in place an effective and efficient system of cross-border enforcement of the main road traffic offences with the aim of halving the number of road fatalities by 2010.

## 3. General comments

3.1 In its opinion on the communication from the Commission on the *European Road Safety Action Programme: Halving the number of road accident victims in the European Union by 2010: A shared responsibility* adopted on 11 December 2003, the Committee questioned what it felt was the Commission's overly ambitious objective. It now appears that additional action is indeed needed to meet that target.

3.2 Thus, the Committee feels that there is clear added value to be gained from a European approach to cross-border enforcement in the field of road traffic. It shares the Commission's view that everything must be done to ensure that the target laid down in 2001 can still be met, namely to halve the number of road fatalities by the year 2010. It considers that the draft directive now under discussion is, potentially, a major step in that direction, but must be accompanied by effective and efficient checks and penalties. The Committee would therefore call on the Council and the Member States to make urgent improvements to checking and penalty arrangements, in line with their remit and actual conditions on the ground.

3.3 The Commission's proposed approach appears simple. Thanks to an information exchange network, the details of which have still to be determined, each Member State will be able to enforce penalties on drivers from other Member States committing offences in its territory. It is not clear what network and what kind of system the Commission is envisaging.

3.4 In Article 4 of the draft directive, the Commission states that the exchange of information must be carried out quickly by means of an EU electronic network to be set up within twelve months. Elsewhere the document states that an already existing EU system will be used for the purpose of exchanging information, not least in order to keep costs low. However, the Commission fails to indicate which system is to be used for the exchange of information. The Committee agrees with the Commission that, to save time and money, the best approach will be to use an already existing EU information system.

3.5 In specific terms, the Committee would envisage an approach similar to that adopted under the *Council Decision on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime*, where use is made of EUCARIS technology. This system is currently used by 18 Member States and will be adopted by all 27 Member States once the Council decision enters into force. Compared with other network systems, the costs involved here are very low.

3.6 The Committee would advise that the Commission should at least have a feasibility study carried out on all existing systems, including EUCARIS technology, to explore the possibility of expanding them to incorporate the planned data exchange.

3.7 The Committee feels that the Commission is right to restrict its proposal to providing a legal basis for the exchange of vehicle registration information. The Member States themselves must put in place the appropriate prosecution procedures. This is consistent with the subsidiarity principle.

3.8 The Committee would also point out that enforcement would be more effective if EU-wide agreements were reached — to be implemented and monitored consistently across the Member States — on, for instance, the harmonisation of speed limits, blood alcohol limits and penalties. The Council must therefore — at last — also produce results on this front.

#### 4. Specific comments

4.1 Given the objective of halving the number of road fatalities between 2001 and 2010, and the interim assessment made at the end of 2007 showing that that objective will be impossible to attain without additional measures, the Committee feels that the Commission's proposals for cross-border cooperation in the following four areas:

- speeding,
- drink-driving,
- non-use of a seat-belt, and

— failing to stop at a red traffic light

are a step in the right direction, as the Commission's own figures indicate that this could reduce the number of road fatalities by between 200 and 250 a year.

4.2 The Committee feels that, in Article 1 of the draft directive, the Commission should add other cross-border offences, for instance, the use of a non-hands-free telephone while driving, aggressive driving, failure to comply with overtaking bans, wrong-way driving, and driving under the influence of drugs. As the Committee noted in its earlier opinion the communication from the Commission on the *European Road Safety Action Programme: Halving the number of road accident victims in the European Union by 2010: A shared responsibility*, every possible attempt must be made to reach this objective.

4.3 As punishment for offences, the Committee feels that consideration should also be given to tools such as a penalty-points driving licence, vehicle impoundment, and the temporary withdrawal of an offender's driving licence that may or may not be imposed alongside fines.

4.4 The Committee endorses the Commission proposal set out in Article 6 of the draft directive that each Member State should designate a central authority to coordinate application of the directive.

4.5 In the interests of subsidiarity, the Committee feels it is not desirable for the Commission to lay down a model offence notification form, as it does in Article 5 of the draft directive. The important thing is, after all, the content, not how it is presented. The Committee feels that the Commission should confine itself to setting out precisely the information that is required.

4.6 Article 8 of the draft directive states that the Commission is to be assisted by a committee on road safety enforcement. The Committee endorses the proposed committee procedure.

Brussels, 17 September 2008.

The President  
of the European Economic and Social Committee  
Dimitris DIMITRIADIS