

## **Road traffic offence directive: Council confirms agreement with Parliament**

On 17 December the Permanent Representatives Committee approved a compromise agreed with the European Parliament on a draft directive on the **cross-border exchange of information on road traffic offences**. A new directive became necessary when the Court of Justice ruled last May that the directive's legal basis should be transport, not police cooperation, and allowed a one-year transition period to get the new legal act in place. Swift negotiations – first within the Council and then with the Parliament – led to a deal only five months after the Commission presented its proposal.

### **Improving road safety**

The objective and scope of the directive remain unchanged. The aim is to improve road safety and ensure equal treatment of drivers irrespective of the member state in which the vehicle is registered.

Under the directive, member states may access each other's national vehicle registration data in order to track persons liable for certain offences that jeopardise road safety.

This data-sharing covers eight major road-safety-related offences: speeding, not using a seatbelt, failing to stop at red lights, drink driving, driving under the influence of drugs, not wearing a safety helmet, using a forbidden lane, and illegally using a mobile phone, or any other communications device, while driving.

### **Rules to apply to all EU countries**

The new legal basis – transport – means that the directive will apply to all 28 member states. As the United Kingdom, Ireland and Denmark have a special position with regard to police cooperation, these countries have not been applying the previous directive. As they will need to make an additional effort to put the system in place, they will have two more years to adopt their national provisions: until 6 May 2017 instead of 6 May 2015.

### **Change in legal basis – background**

The Court of Justice annulled the previous directive in May 2014 on the grounds of an incorrect legal basis. However, it granted a one-year reprieve to allow for adoption of the new directive. This means that the current rules remain in effect until a new directive enters into force, provided that this occurs before 6 May 2015.

The annulled directive was adopted by the Council and the European Parliament in 2011 with police cooperation as its legal basis. The Commission, which had originally presented the proposal on the basis of EU powers in the area of transport, disputed this choice. In its ruling, the Court deemed that the main aim of the directive was to improve road safety and that the system for sharing data provided the means of pursuing this objective. Therefore, the correct legal basis would be transport.

- [Previous road traffic offence directive](#)
- [Court of Justice press release](#) (6 May 2014)

### **Next steps**

The new directive still has to be formally approved first by the Parliament and then by the Council (first-reading agreement). Final adoption is expected to take place in the next few months.

It will enter into force four days after it is published in the EU Official Journal.

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