



2023/0052(COD)

1.6.2023

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DRAFT REPORT

on the 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 (COM(2023)0126 – C9-0034/2023 – 2023/0052(COD))

Committee on Transport and Tourism

Rapporteur: Kosma Złotowski

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the 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 (COM(2023)0126 – C9-0034/2023 – 2023/0052(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0126),
 - having regard to Article 294(2) and Article 91(1)(c) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0034/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Transport and Tourism (A9-0000/2023),
1. Adopts its position at first reading hereinafter set out;
 2. Approves its statement annexed to this resolution;;
 3. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;

Amendment 1

Proposal for a directive

Recital 1

Text proposed by the Commission

(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-

Amendment

(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 **strictly** road-safety-related traffic offences improves road safety as it encourages non-

resident drivers to commit fewer offences and drive more safely.

resident drivers to commit fewer offences and drive more safely.

Or. en

Amendment 2

Proposal for a directive

Recital 4

Text proposed by the Commission

(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.

Amendment

(4) The scope of the Directive should be extended to other **strictly** 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 **and direct** link to road safety, by addressing dangerous and **unlawful** 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.

Or. en

Amendment 3

Proposal for a directive

Recital 15

Text proposed by the Commission

(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.

Amendment

deleted

Amendment 4

Proposal for a directive

Recital 18

Text proposed by the Commission

(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.

Amendment

(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, ***including in particular a description of the appeal procedure***, and be given to the person concerned directly as part of the road control procedures.

Or. en

Amendment 5

Proposal for a directive

Recital 20

Text proposed by the Commission

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

Amendment

(20) In the case where it is not possible to deliver documents through registered delivery, registered ***mail*** 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 communications to the person concerned under their own national legislation governing the service of documents.

Or. en

Amendment 6

Proposal for a directive

Recital 32

Text proposed by the Commission

(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.

Amendment

(32) The Commission should provide proportionate financial support **for** **Member States' initiatives and projects** which improve the cross-border cooperation in the enforcement of road-safety-related traffic rules in the Union.

Or. en

Amendment 7

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point a

Directive (EU) 2015/413

Article 2 – paragraph 1 – point i

Text proposed by the Commission

(i) not keeping **sufficient** distance from the vehicle in front;

Amendment

(i) not keeping **the required** distance from the vehicle in front;

Or. en

Amendment 8

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point a

Directive (EU) 2015/413

Article 2 – paragraph 1 – point j

Text proposed by the Commission

(j) **dangerous** overtaking;

Amendment

(j) overtaking that does **not comply with traffic regulations**;

Or. en

Amendment 9

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point a

Directive (EU) 2015/413

Article 2 – paragraph 1 – point k

Text proposed by the Commission

Amendment

(k) dangerous parking;

(k) dangerous parking ***in an unauthorised place posing a serious risk to other road users***;

Or. en

Amendment 10

Proposal for a directive

Article 1 – paragraph 1 – point 1 – point a

Directive (EU) 2015/413

Article 2 – paragraph 1 – point o a (new)

Text proposed by the Commission

Amendment

(oa) ***hit-and-run*** ;

Or. en

Amendment 11

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point b

Directive (EU) 2015/413

Article 3 – paragraph 1 – point 1

Text proposed by the Commission

Amendment

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

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

Or. en

Amendment 12

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive (EU) 2015/413

Article 3 – paragraph 1 – point o

Text proposed by the Commission

Amendment

(o) ‘not keeping ***sufficient*** distance from the vehicle in front’ means not maintaining the distance necessary to avoid

(o) ‘not keeping ***the required*** distance from the vehicle in front’ means not maintaining the ***safe*** distance necessary to

collision with 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;

avoid collision with 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;

Or. en

Amendment 13

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive(EU) 2015/413

Article 3 – paragraph 1 – point p

Text proposed by the Commission

(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;

Amendment

(p) ‘dangerous overtaking **not complying with traffic regulations**’ 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;

Or. en

Amendment 14

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive (EU) 2015/413

Article 3 – paragraph 1 – point q

Text proposed by the Commission

(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 **shall not be considered dangerous parking**;

Amendment

(q) ‘dangerous parking **in an unauthorised place posing a serious risk to other road users**’ means parking the vehicle in a way that infringes the applicable rules on dangerous parking in the Member State of the offence **and has negative impact on road safety**; failure to pay parking fees and other similar offences shall not be considered dangerous parking;

Or. en

Amendment 15

Proposal for a directive

Article 1 – paragraph 1 – point 2 – point c

Directive (EU) 2015/413

Article 3 – paragraph 1 – point t a (new)

Text proposed by the Commission

Amendment

(t a) ‘hit-and-run’ means a situation in which the offender drives away after causing an accident or traffic collision in order to avoid facing the consequences of the offence;

Or. en

Amendment 16

Proposal for a directive

Article 1 – paragraph 1 – point 3

Directive (EU) 2015/413

Article 3a – paragraph 1

Text proposed by the Commission

Amendment

1. For the purposes of the exchange of information under this Directive, each Member State shall designate a national contact point. The powers of the national contact points shall be governed by the applicable law of the Member State concerned.

1. For the purposes of the exchange of information **and the provision of mutual assistance** under this Directive, each Member State shall designate a national contact point. The powers of the national contact points shall be governed by the applicable law of the Member State concerned.

Or. en

Amendment 17

Proposal for a directive

Article 1 – paragraph 1 – point 4

Directive (EU) 2015/413

Article 4 – paragraph 4 – subparagraph 1 – point b

Text proposed by the Commission

Amendment

(b) the vehicle’s full registration number is not provided in the search conducted in the form of an outgoing

(b) the vehicle’s full registration number is not provided in the search conducted in the form of an outgoing

request under paragraph 1;

request under paragraph 1 *or is provided but is invalid*;

Or. en

Amendment 18

Proposal for a directive

Article 1 – paragraph 1 – point 5

Directive (EU) 2015/413

Article 4a – paragraph 7 – subparagraph 2

Text proposed by the Commission

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.

Amendment

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 shall at least indicate which particular ground of refusal that they have decided to apply.***

Or. en

Amendment 19

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive (EU) 2015/413

Article 5a – paragraph 1

Text proposed by the Commission

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

Amendment

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

Amendment 20

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive (EU) 2015/413

Article 5a – paragraph 3 – point b

Text proposed by the Commission

(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 registered **delivery** or by equivalent electronic means;

Amendment

(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 registered delivery, registered **mail** or by equivalent electronic means;

Or. en

Amendment 21

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive (EU) 2015/413

Article 5a – paragraph 3 – point c

Text proposed by the Commission

(c) it has not been possible to serve the document by registered **delivery** or by equivalent electronic means;

Amendment

(c) it has not been possible to serve the document by registered delivery, registered **mail** or by equivalent electronic means;

Or. en

Amendment 22

Proposal for a directive

Article 1 – paragraph 1 – point 7

Directive (EU) 2015/413

Article 5a – paragraph 3 – point d

Text proposed by the Commission

(d) the Member State of the offence has justified reasons for considering that the service of the document by registered **delivery** or by equivalent electronic means

Amendment

(d) the Member State of the offence has justified reasons for considering that the service of the document by registered delivery, registered **mail** or by equivalent

in that particular case will be ineffective or is inappropriate.

electronic means in that particular case will be ineffective or is inappropriate.

Or. en

Amendment 23

Proposal for a directive

Article 1 – paragraph 1 – point 8

Directive (EU) 2015/413

Article 6 – paragraph 1

Text proposed by the Commission

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.

Amendment

At the latest on 6 May 2024, **and every two years thereafter**, each Member State shall send a comprehensive report to the Commission in accordance with the second and third subparagraph of this paragraph.

Or. en