

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 (Text with EEA relevance)

Article 1

Objective

This Directive aims to ensure a high level of protection for all road users in the Union by facilitating the cross-border exchange of information on road-safety-related traffic offences, and thereby facilitating the enforcement of sanctions, where those offences are committed with a vehicle registered in a Member State other than the Member State in which the offence took place.

Article 2

Scope

This Directive applies to the following road-safety-related traffic offences:

- (a) speeding;
- (b) failing to use a seat-belt;
- (c) failing to stop at a red traffic light;
- (d) drink-driving;
- (e) driving while under the influence of drugs;
- (f) failing to wear a safety helmet;
- (g) the use of a forbidden lane;
- (h) illegally using a mobile telephone or any other communication devices while driving.

Article 3

Definitions

For the purposes of this Directive, the following definitions apply:

- (a) ‘vehicle’ means any power-driven vehicle, including motorcycles, which is normally used for carrying persons or goods by road;
- (b) ‘Member State of the offence’ means the Member State where the offence was committed;
- (c) ‘Member State of registration’ means the Member State where the vehicle with which the offence was committed is registered;
- (d) ‘speeding’ means exceeding speed limits in force in the Member State of offence for the road or type of vehicle concerned;

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (e) ‘failing to use a seat-belt’ means not complying with the requirement to wear a seat-belt or to use a child restraint in accordance with Council Directive 91/671/EEC⁽¹⁾ and the law of the Member State of the offence;
- (f) ‘failing to stop at a red traffic light’ means driving through a red traffic light or any other relevant stop signal, as defined in the law of the Member State of the offence;
- (g) ‘drink-driving’ means driving while impaired by alcohol, as defined in the law of the Member State of the offence;
- (h) ‘driving under the influence of drugs’ means driving while impaired by drugs or other substances having a similar effect, as defined in the law of the Member State of the offence;
- (i) ‘failing to wear a safety helmet’ means not wearing a safety helmet, as defined in the law of the Member State of the offence;
- (j) ‘use of a forbidden lane’ means illegally using part of a road section, such as an emergency lane, public transport lane or temporary closed lane for reasons of congestion or road works, as defined in the law of the Member State of the offence;
- (k) ‘illegally using a mobile telephone or any other communication devices while driving’ means illegally using a mobile telephone or any other communication devices while driving, as defined in the law of the Member State of the offence;
- (l) ‘national contact point’ means a designated competent authority for the exchange of VRD;
- (m) ‘automated search’ means an online access procedure for consulting the databases of one, more than one, or all of the Member States or of the participating countries;
- (n) ‘holder of the vehicle’ means the person in whose name the vehicle is registered, as defined in the law of the Member State of registration.

Article 4

Procedure for the exchange of information between Member States

1 For the investigation of the road-safety-related traffic offences referred to in Article 2, the Member State shall grant other Member States' national contact points, referred to in paragraph 2 of this Article, access to the following national VRD, with the power to conduct automated searches thereon:

- a data relating to vehicles; and
- b data relating to owners or holders of the vehicle.

The data elements referred to in points (a) and (b) which are necessary to conduct a search shall be in compliance with Annex I.

2 For the purposes of the exchange of data referred to in paragraph 1, 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.

3 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.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Those searches shall be conducted in compliance with the procedures as described in Chapter 3 of the Annex to Decision 2008/616/JHA, except for point 1 of Chapter 3 of the Annex to Decision 2008/616/JHA, for which Annex I to this Directive shall apply.

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.

4 Member States shall take all necessary measures to ensure that the exchange of information is carried out by interoperable electronic means without exchange of data involving other databases which are not used for the purposes of this Directive. Member States shall ensure that such exchange of information is conducted in a cost-efficient and secure manner. Member States shall ensure the security and protection of the data transmitted, as far as possible using existing software applications such as the one referred to in Article 15 of Decision 2008/616/JHA and amended versions of those software applications, in compliance with Annex I to this Directive and with points 2 and 3 of Chapter 3 of the Annex to Decision 2008/616/JHA. The amended versions of the software applications 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.

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

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.

Where the Member State of the offence decides to initiate such proceedings, that Member State shall, in accordance with its national law, inform the owner, the holder of the vehicle or the otherwise identified person suspected of committing the road-safety-related traffic offence.

This information shall, as applicable under national law, include the legal consequences thereof within the territory of the Member State of the offence under the law of that Member State.

2 When sending the information letter to the owner, the holder of the vehicle or to the otherwise identified person suspected of committing the road-safety-related traffic offence, the Member State of the offence shall, in accordance with its law, include any relevant information, notably the nature of this road-safety-related traffic offence, the place, date and time of the offence, the title of the texts of the national law infringed and the sanction and, where appropriate, data concerning the device used for detecting the offence. For that purpose, the Member State of the offence may use the template set out in Annex II.

3 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, the Member State of the offence, for the purpose of ensuring the respect of fundamental rights, sends the information letter in the language of the registration document of the vehicle, if available, or in one of the official languages of the Member State of registration.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Article 6

Reporting by Member States to the Commission

Each Member State shall send a comprehensive report to the Commission by 6 May 2016 and every two years thereafter.

The 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.

The 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.

Article 7

Data protection

1 The provisions on data protection set out in Directive 95/46/EC shall apply to personal data processed under this Directive.

2 In particular, each Member State shall ensure that personal data processed under this Directive are, within an appropriate time period, rectified if inaccurate, or erased or blocked when they are no longer required, in accordance with Articles 6 and 12 of Directive 95/46/EC, and that a time limit for the storage of data is established in accordance with Article 6 of that Directive.

Member States shall ensure that all personal data processed under this Directive are only used for the objective set out in Article 1 of this Directive, and that the data subjects have the same rights to information, to access, to rectification, erasure and blocking, to compensation and to judicial redress as those adopted under national law in implementation of the relevant provisions of Directive 95/46/EC.

3 Any person concerned shall have the right to obtain information on which personal data recorded in the Member State of registration were transmitted to the Member State of the offence, including the date of the request and the competent authority of the Member State of the offence.

Article 8

Information for road users in the Union

1 The Commission shall make available on its website a summary in all official languages of the institutions of the Union of the rules in force in Member States in the field covered by this Directive. Member States shall provide information on these rules to the Commission.

2 Member States shall provide road users with the necessary information about the rules applicable in their territory and the measures implementing this Directive in association with,

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

among other organisations, road safety bodies, non-governmental organisations active in the field of road safety and automobile clubs.

Article 9

Delegated acts

The Commission shall be empowered to adopt delegated acts, in accordance with Article 10, updating Annex I in the light of technical progress to take into account relevant changes to Prüm Decisions or where this is required by legal acts of the Union directly relevant to the updating of Annex I.

Article 10

Exercise of the delegation

1 The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2 The power to adopt delegated acts referred to in Article 9 shall be conferred on the Commission for a period of five years from 13 March 2015. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3 The delegation of power referred to in Article 9 may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect on the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

4 It is of particular importance that the Commission follow its usual practice and carry out consultations with experts, including Member States' experts, before adopting those delegated acts. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5 A delegated act adopted pursuant to Article 9 shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

Article 11

Revision of the Directive

Without prejudice to the provisions laid down in the second subparagraph of Article 12(1), the Commission shall, by 7 November 2016, submit a report to the European Parliament and to the Council on the application of this Directive by the Member States. In its report, the Commission shall focus in particular on, and shall, as appropriate, make proposals to cover, the following aspects:

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- an assessment of whether other road-safety-related traffic offences should be added to the scope of this Directive,
- an assessment of the effectiveness of this Directive on the reduction in the number of fatalities on Union roads,
- an assessment of the need for developing common standards for automatic checking equipment and for procedures. In this context, the Commission is invited to develop at Union level road safety guidelines within the framework of the common transport policy in order to ensure greater convergence of the enforcement of road traffic rules by Member States through comparable methods and practices. These guidelines may cover at least the offences listed in points (a) to (d) of Article 2,
- an assessment of the need to strengthen the enforcement of sanctions with regard to road-safety-related traffic offences and to propose common criteria concerning the follow-up procedures in the case of non-payment of a financial penalty, within the framework of all relevant Union policies, including the common transport policy,
- the possibilities for harmonising traffic rules where appropriate,
- an assessment of the software applications as referred to in Article 4(4), with a view to ensuring proper implementation of this Directive as well as guaranteeing an effective, expeditious, secure and confidential exchange of specific VRD.

Article 12

Transposition

1 Member States shall bring into force the laws, regulations and administrative provisions necessary to comply with this Directive by 6 May 2015. 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.

By way of derogation from the first subparagraph, the Kingdom of Denmark, Ireland and the United Kingdom of Great Britain and Northern Ireland may postpone the deadline referred to in the first subparagraph until 6 May 2017.

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 13

Entry into force

This Directive shall enter into force on the fourth day following that of its publication in the *Official Journal of the European Union*.

Article 14

Addressees

This Directive is addressed to the Member States.

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After
IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

Done at Strasbourg, 11 March 2015.

For the European Parliament

The President

M. SCHULZ

For the Council

The President

Z. KALNIŅA-LUKAŠEVICA

Status: EU Directives are being published on this site to aid cross referencing from UK legislation. After IP completion day (31 December 2020 11pm) no further amendments will be applied to this version.

- (1) Council Directive 91/671/EEC of 16 December 1991 relating to the compulsory use of safety belts and child-restraint systems in vehicles ([OJ L 373, 31.12.1991, p. 26](#)).