

THE DIRECTIVE FACILITATING CROSS-BORDER EXCHANGE OF INFORMATION

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Abstract

The main aim of EU's Vision Zero is "no fatalities or serious injuries through road accidents should be met by 2030". With this long-term road safety strategy, the EU wants to purposefully and gradually overcome the failures of previous measures that have failed to result in reducing the number of road accidents victims. The last three years of EU policy on road safety have improved this area only minimally.

This paper provides an analysis of the EU road safety strategies and deals mainly with the directive on the cross-border exchange of information. This directive seems to have become an effective tool for the prevention of cross-border traffic offences from a long-term perspective. The main aim of this directive is to take preventive action against road traffic offenders in order to correct their road behavior through sanctions to discourage them from committing more serious offences, including fatal accidents. This article also outlines current crucial findings resulting from the application of this directive, which should be resolved by its planned revision.

Keywords: Road Safety; Traffic Offences; Exchange of Information; CBE Directive; Vision Zero

Introduction

An important consequence of transport sustainability will be the improvement of the traffic safety. Among important factors, which create the improvement of the traffic safety may be included modern vehicles, equipped with a large number of electronic devices, secondly the modern and efficient infrastructure, and at least, but not last appropriate and effective legislation [5, 19].

Increasing road safety has been part of the EU agenda for decades. The latest EU thematic documents state targets of the "EU Road Safety Policy Framework 2021-2030" with the sub-heading "Next steps towards Vision Zero". This document outlines specific political action planned for the years 2021-2030, and builds on the EU Strategic Action Plan on Road Safety issued in May 2018.

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Significant factors affecting the level of road safety, particularly in quantitative terms, include traffic offences which, due to their cross-border scope, affect the road traffic of all member states.

The share of responsibility for specific road traffic safety actions between the EU and individual member states is the same; however, road traffic policies at the EU level can positively shape the policy direction of individual member states. It is clear that problems relating to road safety are equal in all EU member states, and EU bodies are fully aware of the ways in which they can help domestic governments through cooperation and the exchange of information. The harmonisation of road traffic rules and the establishment of common procedures for imposing sanctions for infringements can be counted among promising tools for reducing the number of victims on all roads in the EU.

The EU road safety programme is continuously developing. In 2011, the EU began working on a specific measure aimed at responding, in a targeted manner, to the necessity to develop a comprehensive legal basis for strengthening cross-border cooperation of police forces for dealing with traffic offences. 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 introduces a new type of modern and automated exchange of information between police forces about road users who fail to comply with applicable road traffic rules in member states in which they do not reside [4].

1. The Direction of EU Road Safety Policy

According to the European Commission, the number of road deaths dropped by 2% in 2019. In 2019, approximately 22,800 victims were recorded on roads in the 28 EU member states. This is almost 7,000 fewer deaths in comparison with 2010, which can be expressed as a 23% decline. Compared to 2018, the number fell by 2%. While the basic trend continues to decline, progress in most countries has slowed down since 2013, and the EU will not meet its goal to reduce the number of road deaths by half by 2020 (compared to the starting value from 2010). Although assessments for 2020 predict a decline in fatal road accidents, its connection with EU road safety measures will not be significant, as circumstances brought about by the fight against corona virus are expected to have a greater impact on this decline [6].

1.1. 2013–2018, A Period of Stagnation

From the perspective of the Briefing on the 5th EU Road Safety Action Programme 2020-2030 prepared by the European Transport Safety Council (ETSC), an independent non-profit organisation aiming to reduce the number of road traffic deaths and injuries, the number of road deaths between 2010 and 2018 was reduced by only 21%. The greatest progress in the reduction of deaths was recorded in 2011, 2012 and 2013. Since 2013, the EU has strived in vain to achieve a more drastic breakthrough in the reduction of road fatalities. Since the number of fatal road accidents between 2013 and 2018 declined

by a mere 4%, it has been labelled a period of stagnation in the protection of lives and health on roads.

1.2. 2016, A Third Bad Year

The year 2016 has been assessed as a third bad year in a row in the field of road traffic safety because 25,670 people lost their lives on EU roads. Compared to the total of 26,200 from the previous year, this represents a decrease of 2%. The negative development and insufficient action on the part of the EU called for the establishment of a new political commitment at the EU level to prevent road deaths and injuries. The European Commission decided to respond by drawing up a new and, more importantly, especially “long-term” road safety programme.

1.3. 2017, The Valletta Declaration

In response to the slowdown in the reduction of road deaths, the European Commission and the Maltese Presidency of the Council of the European Union organised a road safety conference in Valletta on 28 and 29 March 2017. The ministers of transport of the member states confirmed their commitment to improving road traffic safety with the aim of reducing the number of road fatalities by half between 2010 and 2020.

1.4. 2010–2020, A Time of Unfulfilled Goals

A European Commission Staff Working Document of European Commission issued in 2019 admitted that meeting the goal of the Valletta Declaration to reduce road deaths in 2020 to half of the number from 2010 was unrealistic. This was particularly due to the stagnation of the Union’s progress in this area, to which the union should have responded much more effectively sooner. Cases of types of accidents and the persons involved need to be analysed at both the national and EU level to ensure a timely and effective political response. Traffic accidents are “silent killers”. The unfulfilled aim of reducing road deaths by half in the period between 2010 and 2020 was carried over to the next decade from 2021 to 2030.

1.5. 2021–2030 (and up to 2050) A New Vision Zero

In May 2018, as part of the “Third Mobility Package” the European Commission published the outline of a road safety policy framework for 2021-2030, as well as a strategic action plan. Around a year later, in June 2019, the European Commission published details of how it intends to put its road safety strategic action plan into practice.

This includes a list of key safety performance indicators (KPI), elaborated in close cooperation with member states, which will be monitored throughout the EU to support the target of a 50% reduction of deaths and serious injuries by 2030. The list (including

indicators such as vehicle safety, seatbelt-wearing rate, speed-limit compliance, and post-crash care) is a living document that will be further developed over time, but it will be possible to gather the first data on this basis from 2020.

1.6. 2020, The Stockholm Declaration

The 3rd Global Ministerial Conference on Road Safety was held in February 2020. The participating countries joined the Stockholm Declaration, which reaffirmed the effort to reduce the number of road fatalities and severe injuries between 2021 and 2030 by 50% in comparison with figures from 2020, with the aim of reaching “Vision Zero” (a vision of zero deaths and serious injuries on roads) by 2050.

1.7. Key safety performances indicators (KPI) from 2020

According to the Road Safety Policy Framework 2021-2030 steps towards attaining “Vision Zero” should be taken by monitoring safety KPI at a European level. These KPI are directly linked to the prevention of deaths and serious injuries, with the aim of drawing attention to the intervention strategy and its implementation. The initial list of eight KPI has been prepared by the European Commission in close cooperation with the member states, and it is noted that the list will actively change depending on the elaboration of monitoring analyses for tracking the progress of joint road safety activities at the EU and member state level, as well as at regional and local levels. Member states will be able to begin collecting data in 2020, and this year will then be considered a basis for evaluating indicators. From 2020, the European Commission will analyse data together with experts from the member states, and will present reports on this data from 2021. Work on strengthening existing indicators and developing new ones is also set to continue.

1.8. Road Safety Policy Summary

As part of the Europe on the Move package and based on the Strategic Action Plan, the European Commission proposed a set of themes for combating the largest road safety challenges, namely: 1. infrastructure safety; 2. vehicle safety; 3. safe road use including speed limit compliance, sober driving (without alcohol or drugs), undistracted driving, and the use of protective equipment; 4. emergency response.

“Safe road use” has been labelled as the third pillar in the prevention of road fatalities and serious injuries. Its specificity mainly stems from the fact that the human factor plays a key role in the observance of its principles. Although the agenda for improving the behaviour of road users is primarily the responsibility of the member states, the EU has decided to partially intervene in the development of this area by adopting legislation that intends to help all member states reduce fatalities and injuries, as well as property damage. This step can be more precisely identified as a new form of cooperation between police forces aimed at dealing with traffic offences.

Road safety is generally a very broad topic. It contains not only the technical safety of vehicles, but also the safety of the entire transport infrastructure, the behaviour of drivers [1, 7], their skills, psyche. The documentation of traffic accidents [3], their subsequent analysis [5], identification of causes [12, 13, 15, 21], and adequate retrospective measures [2] become crucial. In the future, it is a question of the security of digitization and data communication of vehicles, autonomous vehicles, intelligent transport systems, etc. Security education plays another important role [10]. It is important to note, that the road safety is also often associated with a country's economic development [18].

2. Directive on Facilitating the Cross-Border Exchange of Information

Directive 2011/82/EU of the European Parliament and of the Council of 25 October 2011 facilitating the cross-border exchange of information on road-safety-related traffic offences (hereinafter referred to as "Directive 2011/82/EU") valid from November 2013 (until May 2015) became a pillar of cooperation between police forces of EU states targeting traffic offences.

2.1. Reason for Adoption

The main reason for adopting this directive was to find a way to deal with road traffic offences committed by vehicles registered in a member state other than the member state in which the offence was committed. The main impetus for the European Commission to develop this measure was the previously mentioned goal set in the European Policy Orientations 2011-2020, which was to "halve the number of road deaths in the EU by 2020". The reality on the roads was that in most cases, traffic offences could not be resolved by the police because identifying the driver of a vehicle registered in a different member state was almost impossible, and it was also not possible to verify the address at which the vehicle was registered [17].

In other words, the reason of a final resolution to this type of traffic offence was more than desirable. Indeed, prior to the adoption of Directive 2011/82/EU, there was no such document which would allow police forces to commence infringement proceedings for an offence which was committed by a vehicle registered in a different member state. The only existing ways to establish joint proceedings between police forces were Council Decision 2008/615/JHA, Council Decision 2008/616/JHA (the "Prüm Decision"), or the Vienna Convention on Road Traffic of 8 November 1968. However, the legal basis of existing agreements in the field of road safety lies mainly in cooperation covering criminal law, which means that infringement proceedings are not covered in a completely unambiguous manner.

When preparing Directive 2011/82/EU, the European Commission proceeded based on the fact that although so-called non-resident drivers account for specifically 5% of road users, this same group of drivers accounts for up to 15% of speeding offences. It also pointed out that drivers of foreign vehicles are up to three times more likely to commit

traffic offences than resident drivers. In France, for example, where there is a high level of transit and tourism, speeding offences committed by non-resident drivers may account for 25% of the total number of offences, while at very busy times of year, this number may reach 40% to 50%. In this regard, the positive impacts of the new legislation should be especially interesting for countries like Austria, Belgium, Luxembourg, France, Germany, Hungary, Italy, Poland and Spain. The new legislation should have a powerful deterrent effect, or more precisely should motivate drivers to observe the traffic laws applicable in their host country [24].

2.2. Objective of the Directive

The objective of Directive 2011/82/EU was defined in Article 1 as the intention 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 (or road-safety-related criminal traffic offences) and thereby the enforcement of sanctions in which the offences are committed with a vehicle registered in a member state other than the member state where the offence took place.

The scope of this directive specified in Article 2 covers the following road-safety-related traffic offences: 1.) speeding; 2.) non-use of seatbelt; 3.) failing to stop at a red traffic light; 4.) drink-driving; 5.) driving under the influence of drugs; 6.) failure to wear a safety helmet; 7.) use of a forbidden lane; 8.) illegally using a mobile telephone or any other communication devices while driving.

The directive does not aim to harmonise the nature of infringements, nor the type of sanctions imposed. Offences shall be assessed, and sanctions imposed under the national law of the country where an offence is committed. The directive only addresses financial penalties; it does not deal with proceedings related to driving licences and the revocation of licences.

2.3. Action for Annulment

In January 2012, after Directive 2011/82/EU was adopted, the European Commission took legal action against the European Parliament and the Council for the annulment of the directive. By its application, the European Commission requests the court, first, to annul Directive 2011/82/EU and, second, should it annul that directive, to state that its effects are to be considered as definitive. The European Council mainly argued that Article 87(2) of the TFEU was not the correct legal basis for adopting the directive. That provision, which covers police cooperation between the competent services in relation to the prevention, detection and investigation of “criminal offences”, may only be used as a legal basis for measures specifically related to the prevention or detection of “criminal offences”. Thus, it cannot be inferred simply because an “offence” is punitive in nature or seeks to be a successful deterrent, automatically be regarded as a “criminal” offence within the meaning of Article 87 of the TFEU. That being so, the European Commission considers that both the goal and the content of Directive 2011/82/EU fall within the field

of transport policy and, in particular, of Article 91 of the TFEU, which should therefore have been used as the legal basis of that directive.

By its judgement of 6 May 2014 in case SC-43/12, the Court of Justice ultimately ruled:

1. to annul Directive 2011/82/EU of the European Parliament and of the Council of 25 October 2011 facilitating the cross-border exchange of information on road safety related traffic offences;
2. to maintain the effects of Directive 2011/82/EU until the new directive will enter into force
3. that the European Parliament and the Council of the European Union shall pay the costs of the proceedings;
4. that the Kingdom of Belgium, Ireland, Hungary, the Republic of Poland, the Slovak Republic, the Kingdom of Sweden and the United Kingdom of Great Britain and Northern Ireland shall bear their own costs.

With regard to the above, it should be noted that Directive 2011/82/EU remained in force for the duration of the proceedings on the legitimacy of its legal basis, which lasted approximately a year from its effective date. One of the important benefits of addressing the change in the legal basis of the directive was the expansion of the number of member states which, under the legal basis of Article 87(2) of the TFEU, could apply the derogation regime to police cooperation (the United Kingdom and Ireland could apply to opt-in within the meaning of Protocol 21 of the TFEU, and Denmark could apply to opt-out within the meaning of Protocol 22 of the TFEU), which meant that the proposed directive did not apply to three member states.

2.4. A Directive with a New Legal Basis

By introducing the new Directive (EU) 2015/413 of the European Parliament and of the Council of 11 March 2015 facilitating the cross-border exchange of information on road-safety-related traffic offences (hereinafter referred to as “Directive 2015/413”) the member states intended to replace Directive 2011/82/EU by May 2015 according to an adjusted legal basis without any changes to the annulled directive [4, 16].

2.5. Benefits of the New Directive

1. Three member states (the United Kingdom, Ireland and Denmark) were given a deadline for the transposition of Directive 2015/413 by May 2017. This means that by that time, the new directive covered all 28 member states, where each of them was required to designate a national contact point that would guarantee access to national vehicle registration databases with the power to conduct automated searches. Article 4 of the directive presents the scope of automated searches for

the purposes of investigating traffic offences, specifically data relating to vehicles, or data relating to owners or holders of vehicles. It must be added that due to the withdrawal of the United Kingdom of Great Britain and Northern Ireland from the EU, automated exchange with this country was terminated as of 1 January 2021, and Directive 2015/413 ceased to apply. Exchanges of information on vehicle holders with the United Kingdom of Great Britain and Northern Ireland will therefore have to be founded on a different legal basis; Slovakia, for example, will conduct exchanges of information on vehicle holders as part of proceedings on traffic offences under the provisions of the Vienna Convention on Road Traffic of 8 November 1968.

- Automated searches have become a ground-breaking means of exchanging information that has transformed paper chasing into an electronic exchange of information between national contact points, which have made data from their own national vehicle registration databases available to one another [4].

3. Automated Exchange of Information

Article 4 of Directive 2015/413 allows authorities of member states to access foreign vehicle registration databases via an electronic information system [4, 9], which makes it possible to identify potential perpetrators of traffic offences who do not have a residence in the particular country in cases where it is not possible to stop the vehicle or to identify the driver. After identifying a person suspected of committing a road-safety-related traffic offence (such as speeding or failing to wear a seatbelt), the member state in which the offence was committed shall make a decision on the initiation of proceedings. The directive specifies the manner in which the offence should be notified to the person concerned, and provides a (non-obligatory) model letter. This letter should be written in the same language as the vehicle registration document from the database or in one of the official languages of the member state in which the vehicle is registered.

3.1. EUCARIS – European Car and Driving Licence Information System

In matters of automated information exchange, the implementation of Directive 2015/413 was based on the use of an already existing platform for the exchange of data on vehicles and vehicle owners/holders, the European Car and Driving Licence Information System (EUCARIS) [14, 19, 20].

In the interest of clarity, it should be noted that EUCARIS was originally created as an information system for exchanging information on vehicles and driving licences from the national registers of EU member states, who used it based on the EUCARIS Treaty. EUCARIS later became an EU technical platform for dealing with exchanges of information on vehicles, vehicle holders/owners, and driving licences based on adopted EU legislative acts [8].

The functioning EUCARIS system does not act as a central database but as a system that allows participating countries to enter the vehicle registers and driving licence registers

of other participating countries. Each participating country remains responsible for its own national records. EUCARIS is only a central node for the electronic exchange of road transport data [11].

Slovak Republic transposed the original Directive 2011/82/EU by amending Act No. 8/2009 Coll., on road traffic. In Slovak conditions, EUCARIS was functional at the time of the implementation of the directive in two modules – the EUCARIS module (vehicles and driving licences) from 25 September 2013, and the Prüm module from 2 December 2013. The module designated for the automated exchange of information pursuant to Directive 2015/413 was given the name CBE (cross-border enforcement), and Slovak Republic launched its productive operation on 26 August 2014.

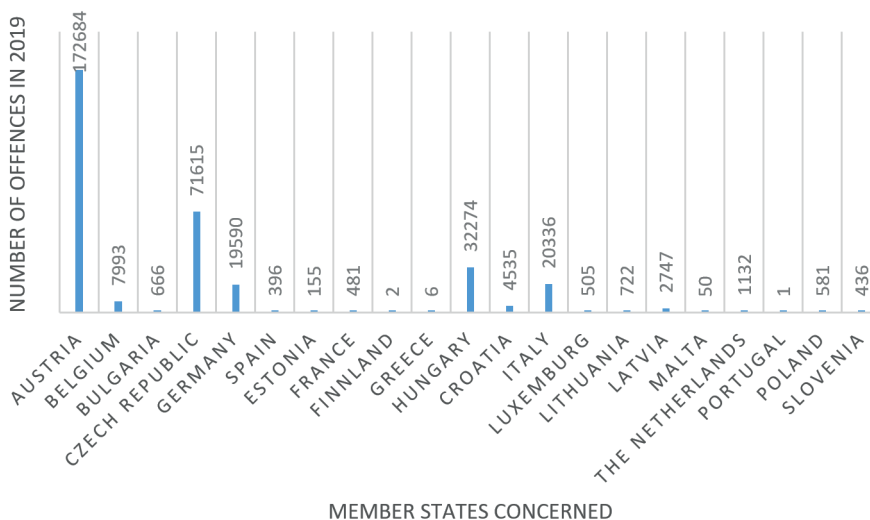


Fig. 1. Traffic offences of Slovaks committed abroad in 2019

The data provided by the Department of Documents and Registers of the Presidium of the Police Force (Figure 1) show that the citizens of the Slovak Republic committed in 2019 high number of traffic offences in Austria, the Czech Republic, Hungary, Italy and Germany. The authors of this article believe that regular publication of these data may preventively effect the behaviour of drivers. Drivers should be aware of the CBE module capabilities and its ability given to the Police to monitor their behaviour abroad.

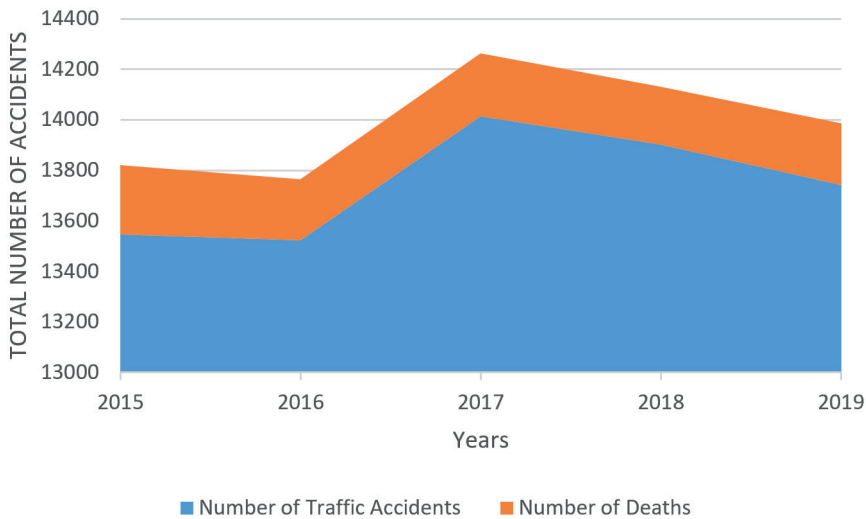


Fig. 2. Traffic Accidents Rate in the Slovak Republic 2015-2019

Looking at the Figure 2 the declining trend in traffic accidents in the Slovak Republic from 2015 to 2016 can be assumed as one of the positive effects of the application of Directive 2015/413 [25].

3.2. Mechanisms for Enforcing Financial Sanctions for Traffic Offences

The procedure for the cross-border application of sanctions for road traffic offences under Directive 2015/413 consists of the following main steps:

1. An offence is detected.
2. The details of the offence are determined.
3. The owner, holder or driver of the vehicle is identified.
4. Evidence is gathered.
5. If the member state in which an offence is committed decides to prosecute, the police or another competent authority shall send notification of a fine or an information sheet to the alleged offender.
6. The alleged offender pays a fine (or the actual offender is identified and step 5 is repeated, or the offender makes an appeal).

7. In the event of failure to pay a fine, and if the member state in which the offence was committed decides to prosecute, a final decision shall be made by an administrative or criminal court of the member state.
8. The member state to which the decision is addressed shall (or may) acknowledge the decision and apply a sanction. The directive on the cross-border exchange of information plays an extremely important role in steps 3 and 5.

Cases where an offender refuses to pay a financial penalty should be covered by Council Framework Decision No. 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties (hereinafter referred to as “Decision 2005/214/JHA”) [4].

3.3. Summary: Complications When Enforcing Road Traffic Financial Penalties

Since the adoption of either Directive 2011/82/EU or Directive 2015/413, the European Commission has registered hundreds or thousands of notifications of cases from member states where, for various reasons, it has not been possible to recover compensation for traffic offences. For many states, the procedures described in Decision 2005/214/JHA do not appear to be clearly applicable to infringement proceedings (or administrative/government proceedings). Decision 2005/214/JHA is established primarily for dealing with criminal proceedings, and does not directly regulate details of cross-border enforcement of road traffic rules.

Partial assistance for applying the provisions of Decision 2005/214/JHA is provided by rulings of the European Court of Justice.

On 14 November 2013, the European Court of Justice ruled on case C-60/12-Baláž on the matter that Austrian “independent administrative courts” meet the requirement set out in Article 1(a) (ii) and (iii) of Decision 2005/214/JHA and can be identified as “courts having jurisdiction in particular in criminal matters”. The European Court of Justice ruled that this concept must be interpreted as referring to any court applying a procedure which satisfies the essential characteristics of criminal procedure. The judgement explains that the scope of Decision 2005/214/JHA covers not only criminal offences but also traffic offences, which in many countries are considered to be administrative offences dealt with after an appeal is lodged by administrative courts.

Another problem with the application of Decision 2005/214/JHA was the method of notifying the presumed offender of the imposition of a penalty and the conditions for lodging an appeal by the person concerned in case 671/18. These proceedings were brought by the Central Fine Collection Agency of the Ministry of Justice and Security of the Netherlands in order to obtain recognition and enforcement in Poland of a financial penalty imposed on Z.P. in the Netherlands in respect of a road traffic offence. Z.P. submitted that at the time within which it was possible to lodge an appeal against the imposition of the financial penalty, he had sold the vehicle in question, and maintained

that both the form and content of the decision were incomprehensible to him, and that he was not aware of the official nature of the document. In that context, the Polish referring court turned to the European Court of Justice with several prejudicial questions, although in principle, these questions concerned the Dutch method of delivering notification and the Dutch principle of liability of vehicle owners [22].

On the grounds of a decision of the European Court of Justice it was determined that, according to literal wording of the operative part of the judgment:

1. Article 7(2)(g) and Article 20(3) of Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, as amended by Council Framework Decision 2009/299/JHA of 26 February 2009, must be interpreted as meaning that where a decision requiring payment of a financial penalty has been notified in accordance with the national legislation of the issuing Member State, indicating the right to contest the case and the time limit for such a legal remedy, the authority of the Member State of execution may not refuse to recognise and execute that decision provided that the person concerned has had sufficient time to contest that decision, which is for the national court to verify, and the fact that the procedure imposing the financial penalty in question is administrative in nature is not relevant in that regard;
2. Article 20(3) of Framework Decision 2005/214, as amended by Framework Decision 2009/299 must be interpreted as meaning that the competent authority of the Member State of execution may not refuse to recognise and execute a decision requiring payment of a financial penalty in respect of road traffic offences where such a penalty has been imposed on the person in whose name the vehicle in question is registered on the basis of a presumption of liability laid down in the national legislation of the issuing Member State, provided that that presumption may be rebutted [22].

Although judgements of the Court of Justice have brought member states closer to methods of applying Decision 2005/214/JHA, the legal systems of member states are unique and cannot be expected to be comprehensive in applying interpretations of judgements of the Court of Justice. If, however, Directive 2015/413 itself harmonised the procedures of member states against offenders, even after they fail to respond to notification of the imposition of a penalty, or fail to pay such a penalty, it could undoubtedly help to resolve many unanswered questions. It would be clear to all parties to infringement proceedings that the various member states follow an equal and uniform procedure, as it would be based on a submission ensuing from the provisions of Directive 2015/413 [4].

4. Key Findings of the applicability of the Directive

In 2019, in order to improve the practical applicability of Directive 2015/413, and thereby to make imposed penalties fully enforceable, which would fulfil the primary purpose of this legislative act, the European Commission developed a road-map initiative allowing anyone to comment on their experience with the directive and thereby to complement

the analysis of the impact assessment of the directive [22]. Among other strategies two online seminars were held in June 2020 and January 2021 under the auspices of the European Union with interested parties from the member states who work directly with the directive.

Based on the collected comments, the European Commission identified five main problems that member states face in connection with the application of Directive 2015/413:

1. Traffic offences are not investigated due to non-initiation or failure of an investigation.
2. There is insufficient recognition of rulings on financial penalties.
3. There are cases of the violation of fundamental rights and legal principles in road traffic cases where traffic offences are committed by non-residents.
4. There is insufficient information for evaluating the effects of Directive 2015/413.
5. There is insufficient cross-border enforcement of driving disqualifications.

The European Commission has further assessed that many member states request expansion of the scope of Directive 2015/413, particularly the addition of new road traffic offences which are directly or indirectly related to road safety, such as failure to maintain a sufficient distance, dangerous overtaking, dangerous parking, crossing the white line, failure to respect forbidden access, driving in the wrong lane or in the emergency lane, overloading of vehicles, failure to pay parking fees, violation of regulations on access to city vehicles, and failure to pay vehicle insurance. Member states have also pointed out that there is currently no legal instrument at the EU level that would help in the mutual recognition of an imposed driving ban, so that drivers who are banned from driving in their home country cannot drive abroad.

For the first half of 2021, the European Commission has set itself the goal of incorporating all comments of member states into a comprehensive material called an external impact assessment study, which will form the basis for drafting a revision of Directive 2015/413. Those comments which are not worked into the revised text of the Directive will be addressed in subsequent contexts of the road-traffic safety agenda. All details of the course of proceedings within the scope of the revised Directive 2015/413 can be found in [23].

5. Conclusions

Directive 2015/413 is an important contribution to the area of road safety as it can be defined as an effective tool for police cooperation in the cross-border investigation of (non-resident) traffic offenders. A change in the legal basis for the directive with regard to measures for improving road safety based on Article 91(1)(c) of the TFEU ensures a rapid and secure exchange of data on vehicles and vehicle owners/holders.

It represents a tangible effort by the EU both to reduce the number of road deaths and to establish a precautionary measure against non-resident drivers that should motivate them to comply with road traffic rules in “host countries”.

It does not encourage needless and inefficient administrative procedures based on the exchange of paper forms between responsible authorities of the member states.

There is the potential for its positive effects on road traffic safety to be even greater if the number of traffic offences dealt with by the directive is further increased. The harmonisation of traffic offences and the means of dealing with or punishing offenders between the member states could achieve the desired effect.

The practical application of the provisions of Directive 2015/413, and thereby the successful enforcement of financial penalties for road-traffic offences, should be harmonised under through the revision of the directive. At the present stage, it is important that EU bodies identify specific problems encountered by the member states with the application of Directive 2015/413, and that solutions to these problems are being developed. Only the text of the revised Directive 2015/413 will reveal how EU bodies have dealt with a number of comments from the member states.

The revised Directive 2015/413 aims to maximise its potential to improve road safety through greater compliance with road-traffic rules by non-resident road users by introducing a holistic approach in order to create synergies with other instruments, in particular, those relating to mutual assistance and cooperation between the member states when investigating traffic offences, and the mutual recognition of financial penalties.

While it is clear that solutions in the area of traffic offences have advanced significantly, it is still desirable to ensure the continuous responsible and adequate development of a number of improvements and measures regarding the technological development of vehicles and transport infrastructure, particularly with the coordination and guidance of EU bodies.

6. References

- [1] Arshad H., Bin Jantan A., Abiodun O.I.: Digital Forensics: Review of Issues in Scientific Validation of Digital Evidence. *Journal of Information Processing Systems*. 2018, 14(2), 346–376, DOI: 10.3745/JIPS.03.0095.
- [2] Boukerche A., Siddiqui A.J., Mammeri A.: Automated Vehicle Detection and Classification: Models, Methods, and Techniques. *ACM Computing Surveys*. 2017, 50(5), DOI: 10.1145/3107614.
- [3] Böhm, K., Kubjatko, T., Paula, D., Schweiger, H.-G.: New developments on EDR (Event Data Recorder) for automated vehicles. *Open Engineering*. 2020, 10(1), 140–146, DOI: 10.1515/eng-2020-0007.
- [4] 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: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:32015L0413&from=EN> (accessed on 20.01.2021).
- [5] Dirnbach I., Kubjatko T., Kolla E., Ondruš J., Saric Z.: Methodology designed to evaluate accidents at intersection crossings with respect to forensic purposes and transport sustainability. *Sustainability*. 2020, 12(5), 1972, 72–84; DOI: 10.3390/su12051972.
- [6] Frej D.P., Ludwinek K.: Analysis of road accidents in 2002-2019 on the example of Poland. *The Archives of Automotive Engineering – Archiwum Motoryzacji*. 2020, 89(3), 5–18, DOI: 10.14669/AM.VOL89.ART1.

- [7] Jackulikova M., Vrankova J., Bartkovjak M., Mikolasova G., Kozon V., Olah M., et al.: Quality of Lives & Origin of Unaccompanied Minors & Migration to Europe. *Clinical work and health intervention*. 2020, 11(1), 28–31, DOI: 10.22359/cswhi.11_1_04.
- [8] Kopencova D.: Teaching in secondary schools with a safety focus at the time of Covid-19. *INTED2021 Proceedings*. 2021, 1, 3517–3526, DOI: 10.21125/inted.2021.0730, <https://library.iated.org/view/KOPENCOVA2021TEA> (accessed on 20.01.2021).
- [9] Kopencova D., Rak, R.: Issues of Vehicle Digital Forensics. *2020 XII International Science-Technical Conference AUTOMOTIVE SAFETY*. 2020, 1–6, DOI: 10.1109/AUTOMOTIVESAFETY47494.2020.9293516, <https://ieeexplore.ieee.org/document/9293516> (accessed on 20.01.2021).
- [10] Kopencova D.: Secondary education with security focus. *14th International Technology, Education and Technology and Development Conference. INTED2020 Proceedings*. 2020, 1, 2477–2481, DOI: 10.21125/inted.2020.0755, <https://library.iated.org/view/KOPENCOVA2020CZE> (accessed on 20.01.2021).
- [11] Kopencova D., Felcan M., Rak R.: Equilibrium and limit states in technical and social disciplines as part of risk analysis and management. *Lecture Notes in Civil Engineering*. 2021, 110, 281–294, DOI: 10.1007/978-981-15-9121-1_22.
- [12] Kubjatko T., Görtz M., Macurova L., Ballay M.: Synergy of forensic and security engineering in relation to the model of deformation energies on vehicles after traffic accidents. *Transport Means Proceedings of the International Conference*. 2018, 1342–1348.
- [13] Le-Khac N.-A., Jacobs D., Nijhoff J., Bertens K., Choo K.K.R.: Smart vehicle forensics: Challenges and case study. *Future Generation Computer Systems*. 2020, 109, 500–510, DOI: 10.1016/j.future.2018.05.081.
- [14] Matoušková I., Moravčík L., Rak R.: Actual issues of modern digital vehicle forensics. *Internet of Things and Cloud Computing*. 2020, 8, 12–16, DOI:10.11648/j.iotcc.20200801.13.
- [15] Mutawa N.A., Bryce J., Franqueira V.N.L., Marrington A., Read J.C.: Behavioural Digital Forensics Model: Embedding Behavioural Evidence Analysis into the Investigation of Digital Crimes. *Digital Investigation*. 2019, 28, 70–82, DOI: 10.1016/j.diin.2018.12.003.
- [16] Poliak M., Poliaková A., Jaskiewicz M., Hammer J.: The need of public passenger transport integration. *Ekonomski Pregled*. 2020, 71(5), 512–530, DOI: 10.32910/ep.71.5.4.
- [17] Poliak M., Tomicová J., Jaskiewicz M.: Identification the Risks Associated With the Neutralization of the CMR Consignment Note. *Transportation Research Procedia*, 2020, 44, 23–29, DOI: /10.1016/j.trpro.2020.02.004.
- [18] Rak R.: Analysis of VIN Errors in Information Systems, Causes, Consequences and Solutions. *Proceedings of 1st International Conference on Structural Damage Modelling and Assessment. Lecture Notes in Civil Engineering*. 2020, 110, 271–280, DOI: 10.1007/978-981-15-9121-1_21.
- [19] Rak R., Kolitschova P., Kerbic J.: Forensic and technical aspects of vehicle identification labels. *11th International Science and Technical Conference Automotive Safety, AUTOMOTIVE SAFETY 2018*. 2018, 1–6, DOI: 10.1109/AUTOSAFE.2018.8373340.
- [20] Rak R., Zrubak R.: Project eCALL - Car in Emergency Situation. *7th Scientific International Conference on Crisis Management: Environmental Protection of Population. Proceeding paper*. 2012, 251–258, <https://www.wobscience.com/wos/woscc/full-record/WOS:000394562600028> (accessed on 20.01.2021).
- [21] Reedy P.: Interpol review of digital evidence 2016-2019. *Forensic Science International: Synergy*. 2020, 2, DOI: 10.1016/j.fsisy.2020.01.015.
- [22] Request for a preliminary ruling from the Sąd Rejonowy w Chełmnie (Poland) lodged on 29 October 2018: *Centraal Justitiele Incassobureau, Ministerie van Veiligheid en Justitie (CJIB) v ZP (Case C-671/18)*: <https://eur-lex.europa.eu/legal-content/EN/TXT/PDF/?uri=CELEX:62018CN0671&from=EN> (accessed on 21.01.2021).
- [23] Revision of the directive on the cross-border exchange of information on road-safety-related traffic offences: https://ec.europa.eu/transport/road_safety/cross-border-enforcement-road-traffic-rules-public-consultation-0_en (accessed on 21.01.2021).
- [24] Stanczyk T.L., Jurecki R.S., Jaskiewicz M.J., Frej D., Lagowski P., Zuska A., et al.: Braking performance tests for different types of vehicles., *12th International Science-Technical Conference Automotive Safety, Automotive Safety 2020*, 2020, DOI: 10.1109/AUTOMOTIVESAFETY47494.2020.9293532.
- [25] Webpage of the Ministry of the Interior of the Slovak Republic: The Statistics of the Traffic Police of the Presidium of the Police Force: https://www.minv.sk/swift_data/source/policia/dopravna_policia/statistika_dn/2019/Prehľad%20DN%201966%20-%202019%20nasledky%20alkohol%20chodci%20cyklisti.pdf (accessed on 25.04.2021).