
ASECAP POSITION ON CROSS-BORDER DIRECTIVE PUBLIC CONSULTATION

The “Directive (UE) 2015/413 of the European Parliament and of the Council of 11th of March 2015 facilitating cross-border exchange of information on road-safety-related traffic offences” was established 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.

This Directive only applies to several traffic offences¹, and it does not include non-payment of toll roads that are now regulated in the new Directive (UE) 2019/520 “on interoperability of electronic road systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union”. Nevertheless, the procedure for cross-border exchange of information defined in this new Directive for non-payments of toll roads is the same to the one established in the Directive 2015/413.

The evaluation of the Directive's 2015/413 done in 2016 showed that there is still room to improve its effectiveness: approximately half of the detected road traffic offences committed by non-residents were not investigated and approximately half of the financial penalties for those road traffic offences by non-residents that had been investigated were not successfully enforced. Practically all offences where offenders refused to pay financial penalties were not enforced and all successfully enforced penalties were due to voluntary payments.

Those conclusions could negatively impact on the objectives of the new “Directive on the interoperability of electronic road systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union” because, since both Directives use the same procedures to enforce non-resident offences, the results already reached in the evaluation of Directive 2015/413 will likely also apply to non-payment of tolls.

The Commission, in the frame of its Third mobility package, is now starting to assess options to improve the effectiveness of the Directive 2015/413 and it has just issued the “Inception impact assessment” document asking citizens and stakeholders to provide feedback.

¹ (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

Therefore, even though the Commission will issue a report four years after the entry into force of the new "Directive on the interoperability of electronic road systems and facilitating cross-border exchange of information on the failure to pay road fees in the Union", focused on the effectiveness and efficiency of the mechanism for the exchange of data in the framework of the investigation of events of failure to pay road fees, **ASECAP asks the Commission to incorporate in that directive any improvement that can result from the ongoing revision process of the Directive 2015/413.**

The ASECAP position considers that tolling is the tool that road operators can use also to finance road safety and its improvement. We can maintain and deploy road equipment, ITS, daily management, etc. only if we rely on the certainty of toll revenues.

ASECAP is the European Association of Operators of Toll Road Infrastructures, whose members' networks today span more than 50,266 km of motorways, bridges and tunnels across 22 countries.