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COMMISSION RECOMMENDATION

►**C1** 21 October 2003 ◄

on enforcement in the field of road safety ►**C1** [1] ◄

(Text with EEA relevance)

(2004/345/EC)

(OJ L 111, 17.4.2004, p. 75)

Corrected by:

►**C1** Corrigendum, OJ L 120, 24.4.2004, p. 65 (2004/345/EC)

[1] See the Communication from the Commission concerning the Commission recommendation of 21 October 2003 on enforcement in the field of road safety (OJ C 93, 17.4.2004, p. 5).

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COMMISSION RECOMMENDATION

►C1 21 October 2003 ◄

on enforcement in the field of road safety ►C1 [1] ◄

(Text with EEA relevance)

(2004/345/EC)

THE EUROPEAN COMMISSION,

Having regard to the Treaty establishing the European Community, and in particular Article 211 thereof,

Whereas:

(1) Every year, approximately 40 000 people are killed on the roads of the European Union. In the White Paper on European transport policy for 2010: time to decide [2], the Commission has set as its overall objective in terms of road safety that this number of fatalities needs to be halved by 2010.

(2) The main causes of fatal accidents are speeding, driving under the influence of alcohol (hereafter referred to as drink-driving) and non-use of a seat belt. Cutting back these causes of deaths on the roads would achieve more than half of the intended 50 % reduction in fatalities.

(3) It appears from research that enforcement is an important and effective way of preventing and reducing accidents, deaths and injuries.

(4) The areas of speeding, drink-driving and non-use of seat belts are well documented and analysed by several research and study projects which provide information on what is best practice in enforcement of the traffic violations concerned.

(5) An impact assessment study carried out concerning proposals in line with the measures provided in this Recommendation has found that the best enforcement practices that it seeks to introduce in all EU Member States have a considerable positive benefit-cost result.

(6) These best practices are, with respect to speeding: the use of automated speed enforcement systems, followed up by procedures that have the necessary capacity to cope with a large number of violations; with respect to drink-driving: the application of random breath testing with alcohol screening devices and the use of evidential breath test devices; and with respect to seat belt use: intensive enforcement actions of a certain duration and which take place several times a year.

(7) From the same scientific sources it appears that enforcement actions are only optimally effective if they are combined with actions to make the public aware of such enforcement actions and of the reasons why they are being held.

(8) In order to make an effective planning of the measures to be taken following the Recommendation, Member States should establish a national enforcement plan which they should evaluate at regular intervals and if necessary adapt.

(9) Because of the potential serious consequences of the violations dealt with by the Recommendation, Member States should apply as a general policy that violations are followed-up with effective, proportionate and dissuasive sanctions and not, as is currently sometimes the case, for instance with respect to non-use of seat belts, with only a warning.

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[1] See the Communication from the Commission concerning the Commission recommendation of 21 October 2003 on enforcement in the field of road safety (OJ C 93, 17.4.2004, p. 5).

[2] COM (2003)370 of 12.9.2001.

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(10) Acts which aim at hindering or undermining enforcement should also be subject to effective sanctions.

(11) In some cases, imposing a remedial measure can be appropriate, alongside or instead of a sanction; this can for example be the case where an individual has a structural drinking problem.

(12) In order to enable effective sanctioning also in cases of serious and/or repeated violations that are committed in another Member State than the Member State where the car is registered, the Recommendation provides for a mechanism for cross-border enforcement.

(13) With a view to identifying how effectively the Recommendation is being implemented, Member States should fill in a standard form with relevant information on the details of the enforcement and information actions they have carried out and, with a view to getting a better picture of the situation on drugs-driving, also relevant information in that area.. The information should be sent to the Commission and exchanged between the Member States. They should also provide information concerning cross-border enforcement actions in which they were involved.

(14) The Commission should draw up a report every two years on the basis of this information provided by the Member States.

(15) This Recommendation forms, together with the proposed Directive on minimum conditions for the implementation of Directive 2002/15/EC and Council Regulations (EEC) 3820/85 and (EEC) 3821/85 concerning social legislation relating to road transport activities ([1]), an enforcement package that aims at considerably improving road safety in the European Union and reducing the number of road fatalities and injuries.

(16) This Recommendation aims at improving road safety and reducing the number of deaths and injuries on the roads in the European Union, through the implementation of national enforcement plans of the Member States which contain measures of best practice in enforcement and information of the public in the field of speeding, drink-driving and non-use of seat belts,

HEREBY RECOMMENDS THAT MEMBER STATES:

1. set up a national enforcement plan containing the measures they intend to take for the implementation of this Recommendation and provide the Commission with this national enforcement plan, which should contain the information described in chapter I of the standard form laid down in the annex;

2. evaluate regularly and may adapt the national enforcement plan in accordance with relevant developments and provide the Commission with information concerning such adaptations;

3. ensure that enhanced enforcement actions described in recommendations 4 to 7 will be combined with information of the public, which will be given in the form of publicity campaigns aiming at making the public conscious of the subject concerned, which shall be held for each of the three subjects of enhanced enforcement actions separately, and in the form of roadside information concerning concrete enforcement actions carried out on that road;

4. ensure that automated speed enforcement equipment is used to check speeding on motorways, secondary roads and urban roads and ensure that the checks are carried out in such a way as to guarantee their effectiveness, namely that they are carried out regularly

([1]) This proposal for a Directive (COM(2003) 628 final) is meant to replace Directive 88/599/EEC on standard checking procedures for the implementation of Regulation (EEC) No 3820/85 on the harmonization of certain social legislation relating to road transport and Regulation (EEC) No 3821/85 on recording equipment in road transport.

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on stretches of roads where non-compliance occurs regularly and where this brings about an increased risk of accidents;

5. provide for procedures assuring that all speeding violations registered by the automated speed enforcement equipment are followed-up;

6. ensure the application of random breath testing with an alcohol screening device as a leading principle for surveillance of drink-driving and in such a way as to guarantee its effectiveness; with a view to this, in any event ensure that random breath testing is carried out regularly in places where and at times when non-compliance occurs regularly and where this brings about an increased risk of accidents, and ensure that officers carrying out random breath testing checks use evidential breath test devices whenever they suspect drink-driving;

7. ensure that intensive enforcement actions concerning the non-use of seat belts with a duration of at least two weeks take place at least three times a year, in places where non-use occurs regularly and where there is an increased risk of accidents, and ensure that the use of seat belts is enforced in every individual case where non-use is observed and the car is being stopped; these enforcement actions may take place in combination with other traffic enforcement actions, such as those concerning speeding and drink-driving;

8. apply as a general policy that violations detected in the course of the enhanced enforcement actions prescribed in recommendations 4 to 7 are followed-up by the infliction and execution of a sanction and/or a remedial measure and ensure that sanctions applicable to speeding, drink-driving and non-use of seat belts are effective, proportionate and dissuasive, that acts which aim at hindering or circumventing enforcement are subject to sanctions based on the same principles, that sanctions are more severe in the case of repeated serious violations committed by the same offender and that sanctions include the possibility of suspension or withdrawal of the driving licence and of immobilisation of the vehicle for serious violations;

9. assist one another in order to give proper effect to this recommendation for which purpose every Member State will designate an enforcement coordination point and provide each other and the Commission with the coordinates of this coordination point; the enforcement coordination points will be used for exchange of best enforcement practices applied by Member States in the fields covered by this recommendation and will also carry out the task of communicating the information to the Commission as described in recommendation 12, and shall moreover send the same information to the coordination points of the other Member States;

10. ensure that serious or repeated offences jeopardising road safety committed by a non-resident driver are reported to the competent authorities of the Member State in which the vehicle is registered, through the enforcement coordination point concerned mentioned in recommendation 9, which will keep record of such communications between Member States;

11. ensure that the competent authorities of the Member State in which such serious or repeated offences have been recorded will ask the competent authorities of the Member State in which the vehicle is registered for appropriate measures to be taken with regard to the offender and ensure that in such cases, the latter Member State will inform the first Member State about the follow up it has given to the request, and ensure that the coordination points mentioned in recommendation 9 will be used for these contacts between Member States;

12. communicate the information on the implementation of this recommendation and developments in the fields in question to the Commission every two years, in accordance with Chapter II of the standard form laid down in the Annex; the first year covered

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by this report from Member States will be the first full calendar year after the date of publication of this recommendation; the information will reach the Commission not later than 30 September following the date on which the two-year period covered by this report expires;

13. examine, at the end of the first two-year period mentioned in recommendation 12, the effectiveness of existing national measures taken subsequent to this recommendation and inform the Commission of their findings.

THE COMMISSION HEREWITH COMMITS ITSELF:

1. to make the national enforcement plans mentioned in recommendation 1 available to all Member States;

2. to make the information mentioned in recommendation 2 available to all Member States;

3. to produce a report every two years on the implementation of this recommendation by Member States and developments in the fields in question, based on the information from Member States mentioned in recommendation 12 and forward the report to the Council and the European Parliament within 13 months after the end of the two-year period covered by the report;

4. to evaluate, before the end of the third year after the date of publication of this Commission recommendation, on the basis of the information mentioned in recommendation 12, whether improvements have been achieved in road safety to the extent that, if such improvements continue, the objective of reducing the annual number of road deaths in the EU by 50 % in the year 2010 is likely to be achieved;

5. to submit a proposal for a directive aiming at achieving the objective of 50 % reduction, in the event that the improvements described in the previous paragraph are not achieved.

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ANNEX

STANDARD FORM MENTIONED IN RECOMMENDATION 1

I. **The national enforcement plan**

The national enforcement plan mentioned in recommendation 1 will at least contain the following information:

1. *With respect to the planning of speed enforcement:*

(a) an inventory of all the stretches of road in the Member State where non-compliance with the maximum speed limit occurs regularly and where this brings about an increased risk of accidents; this inventory shall include the relevant national high-risk road sections as defined in the proposed Directive on the setting of national guidelines for road infrastructure safety and their implementation on the Trans-European Road Network, from the transposition date of that Directive;

(b) a planning of the application of automated speed enforcement equipment to the stretches of road contained in this inventory containing the following information:

— the dates on which the use of such equipment will start for different stretches included in the inventory in 1(a)

— the date when all the stretches included in the inventory will be covered by such equipment.

2. *With respect to the planning of random breath testing:*

(a) a generic description of the places in the Member State where and the times when non-compliance with the maximum blood alcohol level occurs regularly and where this brings about an increased risk of accidents; in this description, due account will be taken of the specific risk of accidents that exists on rural roads;

(b) a planning of the application of random breath testing in accordance with recommendation 5 in the places and at the times described in 1(a), above, containing the following information:

— the frequency with which random breath testing will take place in the places and at the times described in 1(a) above,

3. *With respect to the planning of enforcement of restraint use:*

(a) a generic description of the places in the Member State where non-use occurs regularly and where there is an increased risk of accidents; in this respect, due account will be taken of towns and urban agglomerations;

(b) a planning of the application of intensive enforcement actions in the places described in 1(a), above, in accordance with recommendation 6, containing the following information:

— the places where intensive enforcement actions will be held, their duration and the number of times per year that they will be held.

II. **Information to be communicated following recommendation 12**

Member States shall provide the Commission with the following information, for each of the two reporting years separately ([1]):

1. *Information with respect to speed enforcement*

1.1. Automated speed enforcement equipment (recommendation 4)

(a) number, kind and type of the equipment, applied to motorways, secondary roads and urban roads respectively, and whether it is meant to be visible for drivers or not;

(b) number of hours, and periods during which checking was carried out with this equipment on the different types of road;

(c) stretches of road where the equipment is applied.

([1]) Where possible, the information should also be broken down between private and commercial vehicles.

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1.2. Violations

(a) number of speeding violations registered by automated equipment;

(b) number of violations referred to in (a) committed by drivers of foreign-registered cars;

(c) total number of speeding violations registered (including those registered by other enforcement methods);

(d) total number of violations meant in (c) committed by drivers of foreign-registered cars.

1.3. Sanctions

(a) number of sanctions imposed for speeding violations registered by automated equipment;

(b) numbers of different types of such sanctions (e.g. fines, reduction/addition of points, suspension/withdrawal of driving licence, immobilisation of vehicle, etc.), and further details, such as amount of the fines, number of points, period of suspension, and for which violations;

(c) the information mentioned in (a) and (b) on such sanctions imposed on drivers of foreign-registered cars;

(d) the information mentioned in (b) and (c) with respect to sanctions imposed for speeding violations registered by other enforcement methods;

(e) the information mentioned in (a), (b), (c) and (d) on sanctions effectively executed.

1.4. Information with respect to the procedures described in recommendation 5

(a) description in detail of the process of detection, prosecution and sanctioning of the speeding violations and how far they are carried out through automated procedures; how long does it take for offenders to receive a summons for paying a fine; what is the deadline for paying the fine; period and procedure for appeal (if possible);

(b) does a fixed set of sanctions apply in such procedures; if so, which;

(c) who is liable to pay the fine: the owner of the car, the driver, or both, and in which order;

(d) is there still a role for the court in the procedure; if so, which;

(e) how long does it take for the entire procedure including execution of the sanction (average, minimum and maximum duration);

(f) information concerning special challenges Member States have met with respect to the implementation of the provisions concerning procedures of recommendation 5;

(g) any other information that Member States consider relevant for the implementation of these provisions.

1.5. Court decisions

The same information as mentioned in 1.3 with respect to court decisions concerning sanctions for speeding violations.

1.6. Changes in the rules on speeding

Detailed information on any changes in the national rules on speed limits that came into effect during the reporting period.

1.7. Other information

Any other information that Member States consider relevant for the implementation of the provisions on speeding enforcement including special challenges they have met with respect to the implementation of the provisions concerned.

2. *Information with respect to enforcement in the field of drink-driving*

2.1. Random breath testing and evidential breath testing (recommendation 6)

(a) information concerning the places where and the times when random breath testing took place;

(b) number, kind and type of alcohol screening devices used for random breath testing;

(c) number of checks and periods during which random breath checking took place;

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(d) the number of checks carried out with an evidential breath test device; information on the number, kind and type of these devices available for the enforcement actions;

(e) information on number/percentage of the information of (b),(d) and (f) with respect to drivers not resident in the Member State concerned;

(f) information on other ways of testing the blood-alcohol level, e.g. blood tests;

(g) information on drink-driving enforcement actions other than random checking actions, giving where possible similar details as requested in the questions above.

2.2. Violations

(a) number of drink-driving violations registered in the course of random drink-driving enforcement actions; numbers according to the equipment used for establishing the violations (alcohol screening device, evidential breath test device or other, e.g. blood test);

(b) numbers of such violations committed by non-resident drivers.

(c) total number of drink-driving violations registered (including those registered in the course of other enforcement actions);

(d) total number of such violations committed by non-resident drivers;

2.3. Sanctions

(a) number of sanctions imposed for drink-driving violations registered in the course of random drink-driving enforcement actions;

(b) numbers of different types of such sanctions (e.g. fines, reduction/addition of points, suspension/withdrawal of driving licence, immobilisation of vehicle), and further details such as amount of the fines, number of points, period of suspension, and for which violations;

(c) the information mentioned in (a) and (b) on such sanctions imposed on non-resident drivers;

(d) the information mentioned in (b) and (c) on sanctions imposed for drink-driving violations registered in the course of other enforcement actions;

(e) information on sanctions imposed in cases where the driver refused to submit to a test;

(f) the information mentioned in (a), (b), (c), (d) and (e) on sanctions effectively executed.

2.4. Court decisions

The same information as mentioned in 2.3 with respect to court decisions concerning sanctions for drink-driving violations.

2.5. Changes in the rules on drink-driving

Detailed information on any changes in the national legal regime on drink-driving that came into effect during the reporting period.

2.6. Other information

Any other information that Member States consider relevant for the implementation of the provisions on enforcement in the field of drink-driving, including special challenges they have met with respect to the implementation of the provisions concerned.

3. *Information with respect to enforcement of restraint use (recommendation 7)*

3.1. Intensive enforcement actions

(a) number of checks carried out in the intensive enforcement actions on the different types of road; also for different types of checks (e.g. visual, camera);

(b) duration of the intensive enforcement actions, number of times per year and periods during which they were held;

(c) whether or not the intensive enforcement actions were combined with enforcement of other traffic rules and if so, which ones (e.g. speeding; drink-driving).

3.2. Violations

(a) number of seat belt and child restraint violations registered during intensive enforcement actions;

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(b) number of such violations committed by drivers and passengers of foreign-registered cars;

(c) total number of seat belt and child restraint violations registered (including those registered at other occasions than intensive enforcement actions);

(d) total number of such violations committed by drivers and passengers of foreign-registered cars.

3.3. Sanctions

(a) number of sanctions imposed for seat belt and child restraint violations registered during intensive enforcement actions;

(b) numbers of different types of such sanctions and further details, such as amount of fines, number of reduced/added points, and for which violations;

(c) the information mentioned in (b) on such sanctions imposed on drivers and passengers of foreign-registered cars;

(d) the information mentioned in (b) on sanctions imposed for seat belt and child restraint violations registered at other occasions than intensive enforcement actions;

(e) the information mentioned in (d) on sanctions imposed on drivers and passengers of foreign-registered cars;

(f) the information mentioned in (a), (b), (c), (d) and (e) on sanctions effectively executed.

3.4. Court decisions

The same information as mentioned in 3.3 with respect to court decisions concerning seat belt and child restraint violations.

3.5. Changes in the rules on restraint use

Detailed information on any changes in the national rules on restraint use that came into effect during the reporting period.

3.6. Other information

Any other information that Member States consider relevant for the implementation of the provisions on restraint use enforcement, including special challenges they have met with respect to the implementation of the provisions concerned.

4. *Information with respect to information of the public (recommendation 3)*

4.1. Information on publicity campaigns

(a) number, duration and contents of publicity campaigns for each of the different types of enhanced enforcement actions, periods during which, places where they were held and/or communication media used;

(b) authorities in charge of the campaigns mentioned in a) and others involved in their creation and preparation.

4.2. Information on enforcement information at the road side

(a) detailed relevant information with respect to these information actions, e.g. concerning their places (alongside which types of road), numbers, contents, periods during which they are placed;

(b) authorities in charge of information actions mentioned in a) and others involved in their creation and preparation;

(c) information about enforcement actions in the three fields concerned on which the public is not informed (e.g. hidden, unmarked cameras).

4.3. Other information

Any other information that Member States consider relevant for the implementation of the provisions on information of the public, including special challenges they have met with respect to the implementation of the provisions concerned.

5. *Information on the effects of the intensive enforcement actions*

Numbers of accidents, road fatalities and road injuries before and after intensive enforcement and information actions conducted in accordance with this Recommendation and, where possible, the influence of the separate types of enforcement and/or information actions on these numbers.

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6. *Information with respect to drugs-driving*

6.1. Information on the national situation

Any information about the legal and factual situation: national rules on drugs-driving, including drugs covered, legal limits, testing methods, sanctions and enforcement practice; also rules not specifically on drugs-driving but which can have a similar effect (e.g. provisions on the driving capability more in general).

6.2. Information on actions undertaken

Detailed information about concrete actions and best practice with respect to drugs-driving; (examples of such actions are: applying standard tests for drugs and medicines on drivers who are involved in fatal accidents and registering and monitoring the resulting data, conducting information or publicity campaigns about the potential dangers of drugs-driving).

6.3. Challenges

Special challenges that Member States encounter in this field.

6.4. Other information

Any other information that Member States consider relevant in this respect.