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CAPTIVE

Common Application of Traffic Violations Enforcement

Project details	
Domain	Rules and enforcement
Duration	from 1/01/2005 until 31/12/2005
Website	
Other sources	 Final Report (2,68 MB)

Member States' national legislation contains a range of financial and non-financial penalties to be imposed on road users who violate road traffic rules. However, such penalties are often not applied to road users who commit such violations in another country than their country of residence, as this raises many legal, organisational, procedural and other problems. This lack of cross-border enforcement is contrary to the principle of non-discrimination of Article 12 of the EC treaty, and it jeopardizes road safety.

A common approach for such cross-border enforcement needs to be developed in the EU. It comprises:

- Common procedural procedures to be carried out in the same way by all Member States, which facilitate cooperation between Member States
- Elements allowing a seamless transition from national enforcement procedures towards these common operational procedures
- Specification of common minimum standards of operation with which all Member States have to comply when applying the common operational procedures.

The CAPTIVE Implementation Plan comprises actions in five areas:

- Preparatory and support actions, including the establishment of a Core Stakeholder Group
- Defining and agreeing the common approach
- Providing a Legal Framework for the common approach
- Defining and developing standards and tools to support the common approach
- Implementing, operating and monitoring the common approach in each State.

In this context, following recommendations are made, among others:

- The 3rd Driving Licence Directive must be adopted and put into effect urgently
- Member States must comply with the Council Framework-Decision 2005/214/JHA on the Application of the Principle of Mutual Recognition to Financial Penalties
- A first-pillar Directive is required as a legal basis for additional elements of the common approach.

Coordinator

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