

SENATE OF THE REPUBLIC
17TH LEGISLATURE

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RESOLUTION OF THE 8TH STANDING COMMITTEE
(Public works, communications)

(Rapporteur: Senator CARDINALI)

approved at the session of 18 September 2014

ON THE

PROPOSAL FOR A DIRECTIVE OF THE EUROPEAN PARLIAMENT AND
OF THE COUNCIL FACILITATING CROSS-BORDER EXCHANGE OF
INFORMATION ON ROAD SAFETY RELATED TRAFFIC OFFENCES
(COM(2014)476 FINAL)

within the meaning of Article 144(1) and (6) of the Rules of Procedure

Submitted to the Office of the President on 23 September 2014

The Committee,

Having examined, pursuant to Rule 144, the Union document COM(2014) 476 final submitted for a reasoned opinion on subsidiarity concerning the Proposal for a Directive of the European Parliament and of the Council facilitating cross-border exchange of information on road safety related traffic offences;

Having noted that the subject matter of the measure in question has hitherto been regulated by Directive 2011/82/EU of the European Parliament and of the Council and transposed into Italian law by means of Legislative Decree No 37 of 4 March 2014, which entered into force on 22 March 2014;

Recalling that it became necessary to issue the new proposal for a Directive following the annulment of the previous Directive 2011/82/EU by the Court of Justice of the European Union by Judgment of 6 May 2014 (case C-43/12), which identified the correct legal basis for its adoption as being Article 91(1)(c) of the Treaty on the Functioning of the European Union concerning measures to improve transport safety rather than, as provided for in the previous Directive, Article 87(2) TFEU concerning cooperation between police forces;

Whereas the Court of Justice, in annulling the previous Directive, nevertheless maintained its effects until the entry into force of a new Directive within a reasonable period of time which may not exceed twelve months as from the date of delivery of the Judgment (i.e. by 6 May 2015);

Having observed that the proposal for a Directive in question reproduces almost identically the text of the previous Directive other than as regards the amendments necessary for the adoption of the new legal basis and the adjustment of the deadlines for the various administrative tasks;

Emphasising that the transposition of the previous Directive 2011/82/EU and the consequent implementation of the data-exchange system involved a considerable organisational effort on the part of the individual Member States as well as major investment in infrastructure;

Having taken account of the clarifications provided by the representative of the Ministry of Infrastructure and Transport concerning the Italian Government's position on the proposal in question;

Expresses the opinion, pursuant to Protocol 2 to the TFEU, that the proposal complies with the principle of subsidiarity in view of the fact that:

it requires action on the part of the European Union institutions to achieve the objective of facilitating the exchange of information between the Member States on road safety related traffic offences, allowing drivers who commit road traffic offences abroad to be identified and thereby ensuring equal treatment of resident and non-resident drivers;

for the purposes of achieving the said objective, Union action provides a significant added value in increasing the efficiency and speed with which information may be exchanged between Member States through the adoption of common rules and procedures, strengthening cooperation and the exchange of experiences between the competent authorities of the Member States in the areas of transport and road safety, with a view to improving tools for combating offences and preventing incidents, and facilitating comparison and thus, potentially, the harmonisation of legislation and national policies concerning traffic and road safety within the Union;

Expresses the opinion that the proposal complies with the principle of proportionality given that it

is reasonable in relation to the objectives being pursued;

Also makes the following observations by way of a favourable opinion on the substantive elements that are relevant in the context of political dialogue with the Union institutions:

in line with what is provided for in the Judgment of the Court of Justice of the European Union, and in order to avoid possible uncertainty concerning interpretation, it should be explicitly indicated in the text of the proposal for a Directive that, until such time as it enters into force, the provisions of the previous Directive 2011/82/EU and of the related acts by which the latter was transposed into national law remain in force;

moreover, the new Directive should, with regard to the annulled Directive 2011/82/EU, confirm the bodies, procedures and organisational arrangements of the information-exchange system between Member States, the latter having already been defined and actually implemented on the basis of the previous Directive, while taking account of the amendments that are necessary to accommodate the change to the legal basis imposed by the Judgment of the Court of Justice.

This act is also to be regarded as being addressed to the Italian Government pursuant to Article 7 of Law No 234 of 24 December 2012.

