

UK response to the Commission's consultation "Respecting the Rules"

1. Scope

Do you agree with the definition of the problem and the objectives of the intended EU actions?

Should EU actions be limited to the Trans-European Road Network or cover all EU roads? Should EU actions be limited to the three main traffic offences responsible for road accidents and deaths, namely speeding, drink-driving and non-use of seat belts, or should they cover all traffic offences?

It is important to distinguish between improving enforcement of traffic offences generally, and ensuring that non-resident offenders do not escape sanction.

General traffic enforcement

In the field of general traffic enforcement, the UK agrees with the definition of the problem, and shares the Commission's view that the target of reducing casualties by 50% by 2010 is unlikely to be achieved by current action. Although we would agree that the three types of offence specifically mentioned in the consultation document are important, we should not focus exclusively on them.

Cross-border enforcement

The UK shares the Commission's concerns about the enforcement of traffic offences committed by drivers not resident in the country where the offence was committed. We agree that rigorous enforcement against all offenders regardless of nationality is desirable, both for road safety but going more widely for other transport-related infringements, including uninsured driving, illegal parking and road charges such as the London congestion charge. While it is entirely correct that attention should be focused on the most problematic and lethal offences, the benefits of action in that field should be extended to all traffic infringements for which it is proportionate and efficient to do so.

The consultation makes passing reference to the fact that not all infringements are criminal. In the UK, parking contraventions, certain moving traffic offences (for example, misuse of bus lanes), and failure to pay congestion charges are all treated in this way. Although it is hard to get reliable data in this area, in 2004 there were 330,000 such infringements recorded in London committed by non-UK vehicles, of which 95% went unenforced. Further, it is envisaged that there will be an increasing number of local road user charging schemes in the UK, and one possible means for enforcing them would also be a non-criminal route. In this context, the fact that there is no legal framework for cross-border enforcement of non-criminal traffic infringements is concerning.

It is worth noting that less than 1% of accidents (2100 accidents) in the UK involved a non-UK-registered vehicle. Of these the majority were HGV accidents [check]. Although this should not necessarily dissuade us from taking action, it may lead us to conclude that action could be more effective when targeted on areas where cross-border enforcement will have the greatest effect; any EU-level action should therefore be flexible enough to enable such

targeting. It may also lead us to conclude (in context with the figures on London parking and congestion charge evasion above) that road safety is not necessarily the only or even the primary driver for efficient cross-border enforcement of traffic offences.

2. Preferred policy

Which one of the described policy option would have your preference? Do you have any specific comments related to implementation issues?

Are there policy options other than those described in the paper that you would like to suggest?

Do you have specific comments on the costs and benefits of the different instruments/measures?

Again, we will look at enforcement of traffic offences generally and cross-border enforcement separately.

General traffic enforcement

On traffic enforcement generally, the UK remains of the view that structured exchange of best practice would be the best way to proceed. The UK agrees that citizens are entitled to a consistent level of road safety throughout the EU, but we recognise that huge improvements will be needed in order to bring the levels of road safety in all parts of the EU up to the levels in the most strongly performing countries.

The UK also agrees that all road users should respect the rules equally. We do not however believe that this should entail a common enforcement regime, and certainly not the same penalties as each other. We would argue that the conclusion that “[the 2003 Commission Recommendation] has failed to result in an EU-wide introduction of best enforcement methods” is premature.

The UK already applies the great majority of the best practices identified in section 4 of the consultation paper. But we consider that Member States are entitled to decide for themselves how they should enforce. It is, and should remain, the responsibility of each Member State to devise their own road safety laws, penalties, enforcement practices and information campaigns, so that, taken together, these deliver a high degree of compliance with the laws and improving standards of road safety. The UK is therefore strongly opposed to any EU regulatory framework as mooted in the first sentence of option 5.5.

Looking at the wider discussion of road safety enforcement in the consultation document, the UK would wish to highlight a number of points.

- Enforcement levels vary widely across the EU. Any approach to improving enforcement should recognise that while some Member States have not improved their performance, an increasing number are performing well.
- We welcomed the establishment of an Expert Group on enforcement. It facilitated some important networking but inevitably brought out the complexity of the issue where the relationship between police services and government was very different between countries and in some cases police representatives held different views from their respective government representatives and the TISPOL perspective was not necessarily reflected by national police.

- We would agree that the increasing use of automated process is to some extent inevitable, but would point out that this should be in addition to retaining the vital skills and experience of the more traditional roads policing methods.
- We would also strongly agree with the suggestion that publicity actions should be used to ensure that public confidence in and understanding of the system is maintained.
- We would argue that in some cases information campaigns can be more effective than enforcement in achieving compliance, for example on seat belt wearing.
- We maintain that truly random breath testing is not the best way forward on drink driving enforcement. The real need is for enforcement on a sufficient scale and scope, combined with stringent penalties, so as to secure a high level of compliance with each State's drink-drive laws.

Cross-border enforcement

On cross-border enforcement, the UK would suggest that any action taken at EU level should retain a degree of flexibility.

The Framework Decision on the application of the principle of mutual recognition to financial penalties will come into force in 2007. As this will be the first EU-wide agreement of its type on such a large scale, evaluating its success can provide important insights into cross-border enforcement more generally. Other schemes are also in train whose effects will not be known for some time. There should be room for new insights to be incorporated into action moving forward. It is also important that any action that is taken at EU level should not preclude action by Member States within their own territory, or by bilateral agreement.

We would not necessarily want all traffic offences to be treated the same way, as there are variations in the costs and benefits depending on the area being looked at. For example, speeding offences are to a large extent dealt with by remote enforcement (cameras), whereas for the foreseeable future drink-drive offences are handled directly by police officers on the roads. And it is also important to note that different countries apply different rules of liability for traffic offences. Looking further afield to other road safety matters and beyond to parking, congestion charges and such, where in the latter case a driver may not actually commit any infringement until after they have returned to their country of residence, it can be seen that a sophisticated and varied toolbox may be required. We should not therefore underestimate the need for flexibility and responsiveness to the realities on the ground.

It is worth noting that enforcement against non-resident drivers may in some cases require data exchange to even establish that an offence has been committed. Uninsured and unregistered driving by non-resident drivers is undetectable without data exchange.

Given the potential scale of EU action in this area, it would be appropriate to bring forward an Impact Assessment to help inform future discussions on the issue.