

**Directoraat-generaal Mobiliteit en Veervoer
Directeur-generaal**

City Atrium
Vooruitgangstraat 56
lokaal
1210 Brussel
Tel. 02 277 31 11 - Fax 02 277 40 05

Uw contactpersonen

Christophe Swolfs – Eurocoördinator SPF MT
Tel.: 02/277.33.93
e-mail: christophe.swolfs@mobilit.fgov.be

Anne Vandenberghe – Directieassistent Veervoer
Tel.: 02/277.38.77
e-mail: anne.vandenberghe@mobilit.fgov.be

**European Commission
Directorate General for Energy and Transport
Road Safety Unit**

Fax: 00 32 2 296 5196
E-mail: TREN-E3-CONSULTATION@ec.europa.eu

Ondememingsnr. 0 308 357 852

Postbus 100
1000 Brussel
bus en tramhalte - België

Uw bericht van : Uw kenmerk : Ons kenmerk : Bijlage(n) : Brussel de
"Cross-border enforcement" 19/01/2007

Dear,

The following document contains the conclusion of the Belgian point of views of representatives of several departments¹ on the consultation paper: "Respecting the rules, better road safety enforcement in the European Union" of November 6th 2006 as co-ordinated by the Federal Public Service of Mobility and Transport.

Since Belgium subscribed the objectives to reduce the number of people being killed on Europe's roads, we are glad with this initiative.

Since speed and alcohol limits and wearing seat belts are the 3 main causes of death on the road, encouraging road users to improve their behaviour is part of an important element in his policy. This could be achieved by improving enforcement methods applied in the Member States and by establishing a EU-wide system for facilitating cross border enforcement.

The improvement of safety on Europe's road is very necessary. We recognise how important it is that there is a strong support at the EU level for traffic enforcement. Therefore it welcomes this Europe-wide initiative on this matter.

¹ The department of Justice, the department of Interior, the permanent Commission of the Local Police, the Federal police, the regions, the Office of the public prosecutor, the Belgian Road Safety Institute.

The 7 questions :

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

We agree with the definition of the problem and in particular the three key facts as set out in the consultation paper:

- a. It is clear from the mid-term review that the target of reducing road deaths from 50000 to 25000 by 2010 may not be achieved. The reduction is more likely to be 35%.
- b. The mid-term review also highlighted the fact that the gap between the best performing and the worst performing countries is widening.
- c. It's important that non-residents can be pursued across the borders. A better legal framework and technical instrument must be found.

2. Should EU actions be limited tot the Trans-European road network or cover all EU roads?

Research has shown that a large majority of fatalities do not only occur on the Trans-European road network, but on the others minor roads also. According to the road safety programs in general, an enforcement system should be developed that involves most roads. EU citizens that drive on the Trans-European road network should therefore not be treated differently than EU citizens that drive on other roads.

3. Should EU actions be limited to 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 widely recognised that speeding, drink driving and the non-use of seat belts are the three main causes of death or injuries on Europe's roads. To have a maximum result, we should indeed focus on those offences that will bring about the greatest reduction. Nevertheless, this doesn't mean that other offences shouldn't be considered in the future, such as offences committed by lorries and driving under the influence of drugs for example.

The Belgian States General for Road Safety and the Belgian government, identified those tow offences also as spearheads of the road safety policy and we think that sufficient scientific proof exists in order to consider these two offences also as priorities. Both phenomena have an influence on the road safety result of every member state and by consequence the results on EU-level.

A study should be recommended to see what others offences – next to the five mentioned above – should be considered in the future in order to reduce the unnecessary loss of life on Europe's road.

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

Cross border enforcement, meaning that foreign drivers are prosecuted in exactly the same way as resident drivers is considered as essential. This means that the many problems, which result in foreign drivers evading prosecution, should not be allowed to continue. The exchange of information between the member states is thus essential. We support the idea that enforcement methods and measures (which seems to be very successfully) implemented by Member States on reducing impunity by non-resident drivers should result in common standards. The transferring of administrative and judicial enforcement decisions is necessary. It's important that in respect of minimum standards and targets for Member States that there is a flexible and 'common sense' approach. Member States should be allowed sufficient room to manoeuvre within certain EU frameworks in order to deal in their own way with their national situation. Summarised: the approach must be realistic and in order to leave sufficient room for national actions.

5. Are there any policy options other than the ones described on this paper that you would like to suggest?

No, there are no other policy options other than the ones described on this paper that we would like to suggest.

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

The cost benefit analysis by the European Commission, shows that increased enforcement would result in a total annual reduction of road offences. We believe that this research cannot be ignored and that this improvement is indispensable.

7. Is there any other comment you wish to make?

We like to encourage the Commission to make an attempt at combining the first and third pillar. Therefore a discussion must take place between the first and third pillar.

Yours faithfully,

Jean-Paul GAILLY
Director-General Mobility and Road Safety