

Enforcement Monitor

ETSC's Newsletter on Traffic Law Enforcement in the EU

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Editorial

The European target of a 50% cut in annual road deaths by 2010 can only be reached if traffic law is enforced more effectively. Police enforcement of rules covering speeding, drink driving and the use of seat belts alone can help avoid 14,000 fatalities by 2010, according to Commission estimates. That is why the European Commission has adopted a Recommendation on how Member States should improve their enforcement policies. ETSC continues to monitor how the Recommendation is being implemented at a national level. This follows the green light given by European leaders to prioritise traffic law enforcement at the October Verona Council.

Since the publication of ETSC's first Enforcement Monitor, a further two meetings of the European Commission's Expert Group on road safety enforcement have taken place. In December, Member State representatives met to exchange best practice on combating drink driving in Estonia, Slovenia and Belgium, and in January the Working Group on speed enforcement met to discuss progress in France, Bavaria and Austria.

This second Enforcement Monitor presents progress in traffic enforcement in six European countries including **Spain, Portugal, Luxembourg, Estonia, the Netherlands and Poland**. The Dutch system of large-scale traffic controls, enabled by simplified procedures, is presented in more detail.

This newsletter also gives an overview of some of the intricacies of **cross-border enforcement**. It looks at the legal background, progress made at EU level and by certain Member States as well as recent research on enforcing traffic law for non-resident drivers. Non-resident drivers in the case of France commit a quarter of all speeding offences detected by cameras. Current co-operation agreements are not able to deal with this increasingly complex problem. EU legislation proposing a workable EU wide approach is needed in order to ensure that drivers respect traffic law in whichever EU country they are driving. This should enable Member States to follow up offences including both financial penalties and driving restrictions such as bans. In the case of financial penalties, both the basis for possible legislation and the necessary framework for an information exchange system have been prepared. It is now time to start the legislative procedure. Otherwise the number of cross-border travelers who break traffic law and undermine national enforcement efforts in other countries will continue to rise.

Feature: Cross-border Enforcement

The enforcement of traffic law has been recognised as one of the most effective ways of reducing road deaths in Europe. Yet traffic law is not being equally applied to all EU nationals as they travel across national boundaries. This problem is intensifying in an increasingly mobile and integrated European Union. With this freedom of movement, non-resident drivers disregarding traffic law make up more and more of the traffic flow in all EU countries and very particularly in some popular transit countries such as France and Germany.

At present there is no uniform system for all EU countries through which a country can prosecute offenders from foreign countries. This causes serious problems for both law enforcement and road safety. There is increasing evidence from different Member States that non-resident drivers flout traffic laws when travelling abroad as they do not fear punishment. The implications are two-fold: firstly their dangerous behavior can lead to road accidents and secondly it undermines public acceptance of enforcement activities in the countries that they are travelling through.

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Legal framework

The need to formulate a viable system to deal with this problem is far from new, first efforts were started in the 1960s. More recently, the Schengen Community prepared a draft Agreement on Co-operation in Proceedings for Road Traffic Offences (Decision of the Schengen Executive Committee of 28 April 1999). This agreement has not yet entered into force due to concerns amongst Member States regarding privacy. Within a broader context the endorsement of the Principle of Mutual Recognition by the European Council in 1999 was an important step forward. It paved the way for a further new instrument: the Council Framework Decision on the application of the Principle of Mutual Recognition to Financial Penalties (COPEN 24) (2003). This Framework Decision also applies to road traffic offences and was adopted in Council on 24 February 2005. See the News section, p. 10.

As well as financial sanctions, driving bans and restrictions should also be applied at a cross-border level. The EU Convention on Driving Disqualifications (1998) should enable minimal implementation of this. This has not entered into force as of yet, as it has only been ratified by one Member State: Spain.

Beyond this, in terms of binding legislation, the exchange of information on driving licenses, which would enable cross-border enforcement, first featured in the European Driving License Directive in 1991. The few countries that do exchange information include Germany, Netherlands, Luxembourg, UK and Latvia. They use the European Car and Driving License Information system (EUCARIS). Moreover, bi-lateral and multi-lateral agreements exist between some Member States, which have many different re-

quirements. For latest developments from France and Luxembourg, see the News section, p. 9.

A uniform European approach is sorely needed especially as international traffic continues to grow.

EUCARIS is a system based on a multilateral treaty of 29 June 2000. It is not a database but an infrastructure through which participating countries can search databases of other countries which hold driving licence and/or vehicle information. 12 Member States are currently using the system, and 6 other countries are preparing to participate. EUCARIS has been primarily used to trace stolen vehicles. In the future, it will make it possible to also exchange personal data for cross-border enforcement of financial penalties. "In the 3rd quarter of this year, Germany, the Netherlands, Belgium, Luxembourg and Austria will start this exchange", expects Hans van der Bruggen, Deputy Director of RDW (Netherlands). He states that: "The judicial base within the EU is already there. The technology and system are ready and with very low investment this problem can be solved". See www.eucaris.net.

The EU situation may improve within the framework of the ongoing revision of the EU's driving licence legislation. A proposed change currently discussed is likely to lead to the obligation of Member States to refuse to recognise or issue a driving licence if the applicant is subject to a restriction, suspension, withdrawal or cancellation in the territory of the host Member State or another Member State. The proposed change is also linked to the creation of a new Driving Licence Network (RESPER).

ETSC would like to invite you to its

European Transport Safety Lunches

including the following events on compliance enhancing vehicle technologies:

Alcohol interlocks (2 March 2005)

Seat belt reminders (3 May 2005)

Intelligent Speed Adaptation (31 August 2005)

The Lunches are held in Brussels. Participation is free of charge. For more information, please see ETSC's website www.etsc.be or contact us under administration@etsc.be.

The Council and Commission have decided to set up **RESPER**, a new Driving Licence Network to exchange information and data on all European driving licences. A feasibility study will start at the beginning of 2005.

Barriers to co-operation

Co-operation to date is difficult even where agreements between Member States exist. The most obvious stumbling block is the minimal harmonisation between traffic enforcement law. The other main barrier relates to the exchange of relevant information. A common system is needed through which offenders can be identified and located. This information on offenders must be exchanged swiftly, efficiently and securely. Another difficulty concerns the different levels of capacity in the Member States. Capacity must be built within the relevant authorities in order to push this process forward. Crucially, political will must be harnessed in order for greater co-operation to be developed between Member States in this area.

Recent research

Research on cross-border enforcement was pushed forward with the establishment of an important principle by the first VERA study (1998) on the harmonisation of enforcement across the EU. The so-called VERA principle stated that: "In order to invoke the enforcement of penalty for a violation across Member States' borders, all legal processes have to be concluded in the Member State where the violation took place. If, once these processes are complete, the penalty incurred cannot be enacted on the vehicle/driver responsibility, the power to enforce the penalty can be delegated to the Member State where the vehicle owner/driver is resident."

Further research progress has since been made to cover the mutual recognition of financial penalties by the VERA 2 study (2004). A data exchange system ('eNFORCE') was identified allowing members of the network to carry out the responsibilities associated with cross-border en-

forcement. The authors recommend that a European Directive be prepared under the first pillar to facilitate cross-border enforcement in the EU-25. A small group of Member States who participated in VERA 2 is expected to forge ahead with a network along the lines of 'eNFORCE'.

Another project entitled CAPTIVE kicked off in January 2005 to examine the state of play in cross-border enforcement within the EU. The project will analyse the current multi-lateral and bilateral instruments and propose recommendations as to how to overcome problems faced in this field. It will focus on non-pecuniary sanctions such as driving bans, restrictions to drive and criminal penalties.

The **VERA** project on recognition of financial penalties and cross-border enforcement has produced 750 DVDs containing the project results of VERA 1 and VERA 2. The publication also includes a video depicting U.K. tourists flouting traffic law in France. Back in the U.K. they receive notification from the French authorities to pay a fine which is directly thrown into the bin with a smile. The clip shows a second scenario when the principles of Vera cross-border enforcement have been introduced. Again the French notification paper is thrown into the bin by the U.K. traffic offenders but this time with different consequences – a bailiff arrives on the doorstep demanding payment of the fine. Please contact Jan Meilenstein for copies of the VERA DVD which includes the video clip j.malenstein@worldonline.nl.

With this background and with the results of this new research a European Communication and a Draft Directive on improved transport safety and security through the creation of an area of police and judicial co-operation on the TEN-T is on the Commission's work programme. The Commission will take a decision regarding a possible legislative follow-up of VERA 2 on financial penalties in the future. A possible legal instrument dealing with driving restrictions is not expected in 2005.

Country focus: The Netherlands

Road Safety has been a priority for a long time in the Netherlands. Important measures were taken in the 1970s, and a first road safety plan adopted in 1983. In 1987, the Netherlands was the first country to adopt a quantitative target for road safety policy. Since then, both the target and policy have been widely discussed and changed several times. In its latest version of 1992, the Dutch road safety plan combines the old "spearhead" approach targeting predominantly driver behaviour (alcohol, speed and the use of protective devices) with a new concept termed "sustainable safety". In this concept "man is the measure of all things". The road infrastructure is adapted to his limitations, vehicles simplify the driving task for him, and all road users are adequately trained.

The road safety target adopted in 2001 was to have no more than 750 road deaths and 14,000 hospital admissions in 2010. This target has however been changed to be no more than 900 fatalities in 2010, as stagnating figures made it clear that reaching significant progress was to be more difficult than expected. Latest data from the Netherlands even show a slight increase in casualties from 2002 to 2003, regarding both numbers of fatalities (2.1%) and seriously injured (1.3%).

"Big brother is watching you"

Under the "spearhead" approach, the Netherlands has prioritised fighting unsafe behaviours such as drink driving and speeding, but also the non-use of protective devices and red light running. The measures taken include both education and enforcement, and co-ordination between the two is taken care of at national level.

Traffic enforcement is done on a very large scale, and as many road users as possible are checked every year. As a result, many Dutch road users are familiar with receiving traffic penalties. Statistically, all of the 10 million driving licence holders in the Netherlands have received an administrative fine in 2004, including sanctions for all types of offences. An impressive system has been set up to deal with this huge number of offences, and penalties are generally moderate. Most procedures are dealt with by a single national agency, the Central Judicial Collecting Agency (CJIB), which employs some 800 staff.

The enforcement system has been reinforced in the past years. First regional enforcement plans were drawn up in the late 1990s, and specialised enforcement teams set up in all 25 police regions between 2000 and 2003. These so-called "Spee teams" employ about 20-25 agents each, in addition to the regular forces dealing with road traffic policing. The teams focus on five areas: speed, alcohol, seat belt wearing, red light running and helmet use.

The public accept the large-scale police checks because they are seen as fair, and the risks linked to road traffic are well understood. The

Transport Ministry, together with other organisations, runs regular campaigns on a national level dealing with drink driving and seat belt use, the principle being: no campaign without enforcement and no enforcement without a campaign.

Latest polls among road users have however shown that people are less and less inclined to accept the omnipresent surveillance by speed cameras. "We have to see if we shouldn't improve our communication on this subject," says Willem Vermeulen from the Transport Research Centre (AVV).

Speed

The bulk of traffic offences are made up of minor speeding offences up to 30km/h per hour (40km/h on motorways) which are mostly detected by automated cameras. About half of these offences are registered in urban areas. The authorities have adopted a 'zero tolerance' policy. Technical and legal margins are minimal, and there is no way offenders can wriggle out of the procedure: the owner has to pay, no matter who was driving the car.

Most of the offences are dealt with under administrative procedures. Only if a driver is guilty of a serious speeding offence for the second time in a year, or the offence is a very serious one (i.e. 70km/h) will the case be brought before court.

Drivers seem to have learnt from their unwished for contacts with the CJIB. In 2004, 400,000 fewer persons were sanctioned for speeding than in 2003. There were 7.3 million administrative penal-

ties, whereas in 2003 this figure was 7.7 million. This decrease was achieved even though the number of vehicles checked was raised through new section control systems and increased speed checks on black spots.

Alcohol

Alcohol checks are undertaken both at random and on suspicion. They typically consist of two breath tests: a screening test done on the roadside and an evidential test carried out at the police station.

Drink driving tests have been on the rise since the introduction of the "Spee teams" between 2000 and 2003, and the number of detected violations has increased sharply. In 2004, 25,000 minor offences were dealt with by the CJIB, representing a more than 50% increase from 2003 when it was nearly 12,500.

The stepped-up enforcement goes hand in hand with the Belgian-modelled 'BOB' designated driver campaign introduced in 2001. As a result, drink driving on weekend nights has dropped to 3.9% in 2003, and alcohol-related traffic deaths make up no more than 17% of the total.

Seat belts

Seat belt enforcement too has been enhanced with the set-up of specialised traffic enforcement teams. These teams spent 45,000 hours in 2001

controlling seat belt use. This nearly doubled to 82,000 hours in 2003. Special awareness campaigns have been set up to support these efforts.

Consequently, wearing rates for drivers went up from 80% in 2000 to 90% in 2004, and rates for rear seat passengers increased from 32% to 69%. It was recognised however that still too few children buckle up in the rear seat, so the Transport Ministry devised a special campaign for 4 to 12 year olds featuring a cheerful armadillo. (The Dutch word for 'armadillo', 'gordeldier' stands for 'belt animal'.) Following its huge success in the Netherlands, the campaign concept has lately been taken over by nine other EU countries.

By 2003, the increased enforcement had not yet been translated into an increase in safety. Also an early evaluation of the first regional enforcement plans by the Dutch Road Safety Institute (SWOV), published in 2004, did not find any significant impact on road safety. In 2004, the effects of Dutch road users' willingness to comply should however be felt. According to the EU's Quick Indicator, traffic fatalities decreased by 19% in the first half of 2004, and the number of injuries dropped by 10%. These figures, together with the new proposals expected from SWOV, should help to foster the confidence that the Netherlands can indeed be "sustainably safe", as stated in its 1992 strategy.

News

Police enforcement

Driver attitudes

The **SARTRE 3 study** on driver attitudes towards road risk and selected road safety measures has found that 41% of European drivers are "in favour" and 35% "strongly in favour" of more police enforcement. Increased enforcement comes third in the list of safety measures proposed, following better roads (91%) and driver training (81%).

Enforcement levels related to drink driving seem to be generally low across Europe. 71% of drivers say they have never been checked for alcohol in the past three years, and 73% expect to be "never" or "rarely" checked for alcohol on a typical journey. Reported speed enforcement levels are significantly higher, with 51% of drivers feeling they will be "never" or "rarely" checked for speed on a typical journey.

Respondents were not asked about seat belt enforcement. The study found however important links between different types of violations. It concluded, for example, that drivers exceeding speed limits are 87% more likely to also not wear their seat belt than non-speeders. See [SARTRE 3 website](#).

Improving the legal framework

In **Slovenia**, a new Road Safety Act came into effect on 1 January 2005 introducing higher sanctions for drink driving and speeding. Those exceeding the speed limit in urban areas by 50 km/h or more will be fined at least 500 euros in addition to losing their driving license. Radar jamming devices which interrupt police speed checks have been banned.

A 0.0 mg/ml blood alcohol level already in force for professional drivers has been introduced for other groups such as drivers transporting children. The legal limit for all other drivers remains at 0.5 mg/ml. However a driver who is seen to be driving recklessly with a BAC level which is not over the legal limit can still be sanctioned for driving under the influence of alcohol (125 euros). In this case an opinion on the driver's ability to drive must be sought by a doctor.

In addition to overall tougher sanctions, long-term effects are anticipated with other new solutions including rehabilitation programmes for drivers with penalty points. A new act on minor violations also came into force which empowers the police to directly give on the spot fines for minor offences and withdraw penalty points from drivers. More offences will thus be dealt with directly by the police. If the offender files a complaint the decision will be processed in court. See [Slovenian government website](#) and [Slovenian Road Safety Council website](#).

In the **UK**, a new Road Safety Bill was presented on 30 November 2004, including new powers for the police to carry out evidential roadside breath testing, tougher penalties for hand-held mobile phone use and a new system of fixed penalties for speeding offences. The proposal extends the range of penalty points for speeding from 2 to 6 points (instead of 3 to 6 points). The exact detail has not yet been published, but a proposed charging structure suggested that the lower penalty could apply to up to 39 mph in a 30 mph zone. Read the [DfT Discussion Document on Graduated Fixed Penalties for Speeding](#). Read [PACTS' response](#).

Alongside the new Road Safety Bill the UK's Home Office has also presented a Serious Organised Crime and Policing Bill which includes a road policing shake-up. The Bill will allow police to retain revenue from fixed penalty fines for several key traffic offences, including driving without insurance and failure to wear a seatbelt. According to the Parliamentary Advisory Council for Transport Safety (PACTS), it is likely that the changes will reverse the long-term decline in the number of dedicated traffic police on the roads.

Enforcement planning

In the **UK**, a new strategy for policing the roads was announced on 11 January 2005. The joint strategy drawn up by the Department for Transport, Home Office and Association of Chief Police Officers follows on as part of the National Policing Plan published in November 2004. The strategy identifies specific enforcement actions to combat speed, drink driving and increase seat belt use. "This strategy is a welcome reminder to police forces of the importance of enforcement. It is also good to see it receiving the backing of two government departments - a first for the UK. The challenge now will be to monitor its implementation and to develop measures to analyse police effectiveness," the Parliamentary Advisory Council on Transport Safety (PACTS) comments.

In the **Netherlands**, there are plans to introduce a penalty point system. The system will be rather different from what other countries have in that there will be only two levels ("two strikes and you're out"). After one serious offence, drivers will receive a "yellow card", after two serious offences a "red card", meaning they will lose their licence. Serious offences will include drink driving, speeding and causing a serious accident. The Dutch Institute for Road safety Research (SWOV) does not expect any major long-term road safety improvements. See [SWOV website](#).

In **Italy**, the constitutional court ruled on 24 January 2005 that parts of the new penalty point system contradict constitutional norms. The ruling refers to the case of an unidentified driver committing a speeding offence. Before the ruling, the vehicle owner was responsible for the offence and his points withdrawn unless he communicated the name of the driver. According to the new ruling, points can

however only be withdrawn when the police have stopped the car to identify the driver. In all other cases, the owner will continue to have to pay the fine but will not have any points withdrawn from his driving licence. If the car owner refuses to tell who was driving, he will be required to pay an additional fine. See [Italian constitutional court website](#).

A new report published by the Institute of Transport Economics (TOI) in **Norway** has shown that increasing fixed penalties for speeding offences has had no effect on compliance with speed limits except at camera sites. Higher fines for seat belt violations on the other hand were found to be effective in increasing seat belt wearing rates, particularly in urban areas. The study also reviewed any change in behaviour by the police as a result of increased penalties. It concludes that there has been no drop in enforcement activities. The report also compares international levels of fixed penalties. Rune Elvik: "Effects for increased fixed penalties on road user compliance with traffic law" (TOI Report 725/2004, in Norwegian).

Enforcing speed limits

One year on since its inception, the new speed camera scheme in **France** is undergoing a first road safety assessment. First results of a study carried out by the National Road Safety Observatory indicate that the scheme is successful in reducing both speeds and accidents for all types of traffic, even though the system cannot yet be used to enforce lorry and motorbike speeds. At camera sites, speeds decreased radically, resulting in a drop in accidents of about 85%, while on the whole of the motorway network, fatalities decreased by 50%.

At the end of 2004, there were about 290 cameras set up in France. This figure is expected to rise to around 900 by the end of this year. Most of the new cameras are planned to be installed on national and rural roads, and only 11% on motorways.

Taking effect as of 6 December 2004, small changes have been applied to the system of speeding penalties in France. For major offences of more than 50km/h over the limit, 6 instead of 4 points are now withdrawn. For minor offences of less than 20km/h over the limit, a fine of 68 instead of 135 euros has to be paid, if the offences have been committed outside built-up areas. Minor offences of this type make up 88% of all speeding offences registered in France.

A new study into the safety effects of speed cameras has also been carried out in **Belgium**. It shows that on three stretches of road where cameras have been installed injury accidents decreased by 27%. The cameras record both red light and speed offences. See [Steunpunt voor Verkeersveiligheid website](#).

Since 1 January 2005, police in Belgium have to record and follow up all speeding offences detected by automated cameras, including minor offences up to 10km/h over the limit. This follows from guidelines set by the Public Prosecutors in February last year. Up to the end of last year, different "operational margins" were handled by police forces in different parts of the country. The new "technical margin" is 6km/h up to 100km/h and 6% above this limit.

Results from the first section control introduced in **Austria** in 2003 in the Kaisermühlentunnel (Vienna) indicate that average speeds in the tunnel have decreased, and only some 0.5% of vehicles exceed the speed limit. While there used to be many severe accidents in the tunnel, no accidents involving serious injury or death have occurred since the beginning of the operation.

Researchers from the **UK** have conducted a comprehensive review of existing literature on speed camera effectiveness. They found that fatality reductions calculated for camera sites ranged from 17% to 71%. The review flagged up the limitations of the existing research and suggested ways to improve the quality of the evidence. See [British Medical Journal website](#).

Enforcing legal blood alcohol levels

In **Belgium**, alcohol checks were substantially increased during the 'Bob' designated driver campaign, which ran from 3 December 2004 to the 17 January 2005. During the campaign, 153,651 alcohol checks were conducted, which is 55% more than last year. The percentage of drivers tested positive went down from 5.3% to 4.2%. Still nearly a quarter (23.3%) of drivers involved in accidents during the weekend tested positive. Belgian Transport Minister Renaat Landuyt insisted therefore that "the end of the Bob campaign does not mean the end of alcohol checks. Drinking and driving are incompatible. Bob must be present every day of the year."

In **Austria**, new legislation has been introduced to enable roadside screening tests in drink driving enforcement. A pilot conducted by the Austrian Road Safety Board (KfV) has shown that the use of screening devices can help multiply controls by ten without increasing human resources. According to KfV, the efficient implementation of these devices could save between 50 and 100 lives annually. The new instruments should therefore be applied in every roadside check.

The risk of being tested for drink driving is very low in Austria. There is on average one check per Austrian citizen every 33 years. A survey from 2002 shows however that 70% of Austrians support more alcohol controls, and 50% support the introduction of screening devices. See [KfV Press Release and Video Clip MPEG](#).

In the **UK**, the report approved by the House of Commons Transport Committee on Traffic Law and its enforcement registered the reduction in the number of breath tests as "extremely disturbing". Home Office statistics show a steady decline in the number of breath tests administered in England and Wales since 1998. Meanwhile the percentage of tests which have proved to be positive have risen from 13% back to the early 1990s level of 16%. See [House of Commons Transport Committee Report](#) and the [Government's Response](#) to the report.

Enforcing seat belt use

In **Spain** a two week *blitz* campaign to enforce seat belt use was conducted in October 2004, in combination with a publicity campaign with the slogan: "Don't leave without it". During the campaign, 383,852 vehicles were controlled and 13,003 offences detected by the traffic section of the Guardia Civil. The campaign included ads which were disseminated via the media. As a result of the campaign, seat belt wearing in Spain was at 97.5% among drivers and among front passengers at 98.8%. An analysis of accident figures so far shows that 17.5% of drivers killed on the roads were not wearing seat belts.

A recent study carried out by the **American Insurance Institute for Highway Safety** has concluded that introducing primary seat belt enforcement can help reduce driver deaths by about 7%. Enforcement of seat belt law is primary in about half of the US states, meaning the police may stop vehicles solely for seat belt violations. In 28 other states, seat belt enforcement is secondary, so the police cannot stop vehicles for this infraction alone. In states with primary laws, seat belt use averages 84%, in states with secondary laws only 73%. It is important to note that in primary states, the changes in belt use laws were combined with increased enforcement. See [Insurance Institute for Highway Safety website](#).

Ten European countries have launched a campaign to encourage the more widespread use of seat belts by children. The "Euchires 2005" campaign is supported by the European Commission with 1.4 million euros. It centres on the "Goochem" or "Armadillo" gadget, a toy, which makes wearing a seatbelt more fun for children aged 4 to 12. Launched in the Netherlands in 2004, the campaign now extends to Belgium, the Czech Republic, Finland, Germany, Poland, Portugal, Slovenia, Spain and Sweden. See [European Commission press release](#).

New association of enforcement agencies

A new association has been set up in Brussels to influence decision-making in relation to professional road transport. **CORTE**, the Confederation of Organisations in Road Transport Enforcement, gathers experts from the various national agencies responsible for road transport enforcement. The organisation describes its objectives as “promoting an honest exchange of views and enforcement practices between its members” and “providing expert advice and highlighting the occasionally overlooked practical issues surrounding enforcement” in relation to EU legislative proposals and other initiatives. See [CORTE website](#).

Road infrastructure

The **Portuguese** Directorate General for Traffic (DGV) has published technical guidelines for local authorities and cities on how to introduce road humps in urban areas. The guidelines give technical support to planning authorities on where and how to position them in order to optimise speed reduction. Local authorities are also encouraged to apply for available 50% matched funding from a 1.5 million euros annual budget allocated for road safety actions of this type. See [DGV website](#).

Cross-border enforcement

New national approaches

In **Luxembourg**, a total of 23% of fatal accidents are estimated to have been caused by non-resident drivers in 2003. To tackle the problem of non law-abiding non-resident drivers, the country introduced in 2002 a penalty points system which foresees that non-resident offenders have a ‘virtual’ Luxembourg driving license opened in their names. By the end of 2004, a total of 6,290 non-resident drivers had such a license opened, representing 30.6% of all drivers charged within penalty points in Luxembourg. The competent authority in the driver’s country of residence as well as the driver themselves are informed by letter of the offence and penalty. If the foreign driver continues to break the law, this is recorded on their ‘virtual’ Luxembourg driving license on their database. The driver is treated in the same way as a Luxembourgian and if loses all points he will be notified that he has lost his right to drive in Luxembourg. At the end of 2004, 8% of all drivers to have lost their right to drive were non-residents.

France started on 21 January 2005 to send speeding tickets based on automated camera detection to Luxembourg residents. The procedure, tried out for the first time in France, is based on an informal agreement between France and Luxembourg under the Schengen Treaty. On the basis of the licence plate number, the Luxembourg police provide the French colleagues in the Police and Customs Co-operation Centre with the contact details of the vehicle owner. Letters are sent in French, which explains also why co-operation was first enhanced with Luxembourg, and not with Spain or Germany where translation would be needed.

Results from VERA research projects

The **VERA** project on recognition of financial penalties and cross-border enforcement has produced 750 DVDs containing the project results of VERA 1 and VERA 2. The publication also includes a video depicting U.K. tourists flouting traffic law in France. Please contact Jan Meilenstein for copies of the VERA DVD j.malenstein@worldonline.nl.

European action

On 24 February 2005, European Justice Ministers formally adopted the **Council Framework Decision** on the Application of the Principle of Mutual Recognition to Financial Penalties (COPEN 24) (2003). The Ministers had reached a political agreement on the issue as early as May 2003, but had to overcome parliamentary reservations before finally approving the text.

Under the Framework Decision, financial penalties from 70 euros will be executed across EU Member States, whether they are issued for criminal offences or infringements of law, including traffic law. Member States have to transpose the provisions within the coming two years. This means that from 2007, an authority will be able to transmit a financial penalty direct to an authority in another Member State and have that penalty recognised and executed without further formality, unless one of the grounds for non-recognition is invoked.

The foundations of closer co-operation of police and judicial authorities are planned to be part of the Mid-Term Review of the Commission's Third Road Safety Action Programme, according to **Transport Commissioner Jacques Barrot**. "There is no reason as to why a driver can commit an offence in a country other than his own and not be sanctioned for the offence he has committed", Barrot told MEPs in the European Parliament's Transport Committee on 1 February 2005. He also indicated that there would be a Commission Communication on the subject of transport security of different modes as a follow up of the terrorist attacks in Madrid. See [Barrot's speech](#) and [Commission Work Programme for 2005](#).

The European Transport Ministers have endorsed a proposal to tighten up checks and penalties for infringements of **social legislation** in commercial road transport. The proposed Directive, which was presented together with the Recommendation on enforcement, aims to raise the quantity and quality of checks, encourage greater co-operation between enforcement authorities, and address the issue of harmonisation of sanctions. While social legislation on driving and rest times has been harmonised across Europe, basic traffic rules have not. Still, the EU pursues the same principles of stepped-up checks and greater co-operation in order to increase compliance. Finally, compliance with both types of legislation is vital to enhance road safety.

Progress in EU countries

As part of ETSC's independent monitoring of the implementation of the Commission Recommendation in the EU Member States, each issue of Enforcement Monitor gives a general overview of efforts undertaken in six Member States. This second issue introduces enforcement progress in Portugal, Luxembourg, Spain, Estonia, Poland and the Netherlands. Our findings are based on interviews with experts from the Member States as well as an analysis of available research and data. The areas covered are linked to the requirements of the Commission Recommendation on enforcement.

| | Portugal | Luxembourg | Spain | Estonia | Poland | Netherlands |
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| Speed | <p><i>Equipment.</i> There are 43 radar devices and 10 video cameras in use. On the Porto ring road a pilot has been started with the installation of 8 digital cameras in 4 sections.</p> <p><i>Checks.</i> In 2004, 5,668,692 vehicles were checked for speeding and 158,703 offences detected.</p> <p><i>Extent of the problem.</i> In 2004, about 2.8% of all drivers checked by the police were found to be speeding. In 2003, this was 3.2%. 514 fatalities were attributed to excessive speed in 2003.</p> | <p><i>Equipment.</i> Speed controls rely on mobile checks only, in which 89 detection devices are used. The introduction of speed cameras is planned.</p> <p><i>Checks.</i> Approximately 20,100 offences were detected in 2004, 2,225 of which were large excesses of more than 50% over the legal speed limit.</p> <p><i>Extent of the problem.</i> In 2003, 21 fatalities were caused by excessive speeds, representing about 40% of the total of 53 fatalities.</p> | <p><i>Equipment.</i> There are 5 speed cameras operating in Spain. Increasing this number to 300 is planned for 2005, and the target is to reach 1,000 speed cameras by 2007.</p> <p><i>Checks.</i> 1,468,697 vehicles were checked for speeding in 2004 and 49,143 offences detected.</p> <p><i>Extent of the problem.</i> In 2003, average speed on national roads was 119km/h (100 km/h limit), 127.7 km/h on motorways (120 km/h limit) and 87,9 km/h on small roads (90 km/h limit).</p> <p>In 2003, 15% of fatalities were caused by speed in urban areas whereas 28% of fatal accidents were caused by speed in rural areas.</p> | <p><i>Equipment.</i> Speed enforcement relies on mobile checks only, in which about 90 hand-held radars are used. Based on a feasibility study, first cameras are expected to be set up as a pilot in 2005.</p> <p><i>Checks.</i> The number of checks shows a declining tendency. According to the police, resources are not sufficient. In 2004, 29,875 drivers were punished for speeding offences, representing a 36% drop from 2003.</p> <p><i>Extent of the problem.</i> In 2004, the proportion of vehicles exceeding the limit by over 10km/h was 24.6% on 90km/h roads, and 2.8% on 110km/h roads.</p> | <p><i>Equipment.</i> The police dispose of 58 speed cameras, 46 of which are digital cameras. Local authorities have another 14 cameras. Most of the cameras are used in mobile checks, whereas 12 cameras are used as stationary equipment in about 60 locations (boxes) in 4 Polish towns. Police also use radar guns as well as 175 video radars installed in police cars.</p> <p><i>Checks.</i> In 2004, 1,020,115 drivers were caught speeding.</p> <p><i>Extent of the problem.</i> In 2004, 75% of drivers were found to exceed the speed limit in urban areas, and 54% on national roads. 34.6% of all fatalities were related to speeding.</p> | <p><i>Equipment.</i> About 600 automated cameras are operative on Dutch motorways. Local communities also operate cameras, so a total of at least 1,200 cameras can be estimated. In addition, 7 section control installations are in use, and mobile controls are carried out regularly.</p> <p><i>Checks.</i> In 2003, 7,304,000 speeding offences were sanctioned, 99.5% of which were minor offences up to 30km/h over the limit (40km/h on motorways).</p> <p><i>Extent of the problem.</i> In 2004, 26% of all passenger cars and motorbikes drove at more than 10km/h over the limit on 100km/h roads, and 18% on 120km/h roads.</p> |

| | Portugal | Luxembourg | Spain | Estonia | Poland | Netherlands |
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| Alcohol | <p><i>Checks.</i> In 2003, Portugal undertook 499,719 tests for alcohol. 34,156 drivers were sanctioned for a BAC level over 0.5 mg/ml.</p> <p><i>Extent of the problem.</i> 25% of all fatalities in Portugal are estimated to be alcohol-related.</p> | <p><i>Checks.</i> About 12,400 drivers were checked during random breath testing actions in 2004. This is part of a total of 18,700 checked (evidential and post accident) during 2004.</p> <p><i>Extent of the problem.</i> In 2004, 403 of 12,400 preventative tests were positive, representing 3.25%.</p> | <p><i>Checks.</i> 2,282,336 random and evidential breath tests were carried out in 2004. 3.35% of them were positive. Another 340,811 checks were carried out during other traffic checks (such as speed) of which 5.54% tested positive.</p> <p><i>Extent of the problem.</i> 5.54% of all drivers involved in accidents in 2004 had a BAC limit of over 0.3 mg/ml.</p> | <p><i>Checks.</i> In 2004, the number of alcohol tests was increased by 25%. 13,026 drivers were found to be over the limit. 25% of offences are detected during intensive random breath testing actions.</p> <p><i>Extent of the problem.</i> In 2004, the proportion of drunk drivers in the traffic flow was 1.9%. In 2003, this was 2%. The number of accidents caused by drunk drivers decreased by 36% from 2003 to 2004.</p> | <p><i>Checks.</i> Alcohol checks are mainly carried as part of routine controls, but random breath testing actions are also done. Checks revealed 174,539 drunk drivers in 2004, 154,226 of whom had a blood alcohol level higher than 0.5mg/ml.</p> <p><i>Extent of the problem.</i> In 2003, 10% of all traffic fatalities were caused by drink driving accidents.</p> | <p><i>Checks.</i> From 2002 to 2003, the number of alcohol tests was increased considerably. There were 31% more mouth-pieces sold to both specialised traffic enforcement teams and regular police. In 2003, 43,345 drink driving offences were detected.</p> <p><i>Extent of the problem.</i> In 2003, the percentage of drink driving offenders in weekend nights was down to 3.9% from 4.2% in 2002.</p> |
| Seat belts | <p><i>Checks.</i> Seat belt checks are undertaken in combination with other checks. 79,846 offences were sanctioned in 2003.</p> <p><i>Extent of the problem.</i> In 2003 seat belt rates in built-up areas were 86% for drivers,</p> | <p><i>Checks.</i> 141 offences (including improper use of child restraints) were detected in 2004.</p> <p><i>Extent of the problem.</i> In 2004, 88% of drivers and 84% of front seat passengers were wearing their seat belts. In the rear</p> | <p><i>Checks.</i> There were 188,880 seat belt checks and 155,774 fines issued in 2004.</p> <p><i>Extent of the problem.</i> In 2003, seat belt use was at 86% in the front seat and 42% in the rear. 8.7% of recorded fatalities were not wearing</p> | <p><i>Checks.</i> Seat belt checks are usually carried out in combination with other checks, unless there is a national campaign running. Checks decreased by 0.9% in 2004, in comparison with the year 2003.</p> <p><i>Extent of the problem.</i> In 2004,</p> | <p><i>Checks.</i> Enforcement of seat belt use is usually combined with the enforcement of other rules. Numbers of checks or offences are not available.</p> <p><i>Extent of the problem.</i> In 2004, 71% of all drivers,</p> | <p><i>Checks.</i> In 2003, 102,868 offences regarding all restraints (seat belts and child restraints) were recorded.</p> <p><i>Extent of the problem.</i> In 2004, 90% of drivers, 91% of front seat passengers and 69% of rear seat occupants</p> |

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| | 81% for front seat passengers and 6% for rear seat passengers. In non-urban areas, rates were 95% (drivers), 93% (passengers front seat) and 14% (rear seat). 99 fatalities were reported in 2003 of people not wearing seat belts or other restraints. | seat, seat belt use was at 72%. | their seat belts in 2002. | seat belt use among drivers was at 73%, representing an increase by 1% from 2003. Seat belt use among passengers went down by more than 3%, with 75.2% of front seat and 20.3% of rear seat passengers using their belts. | 71% of front seat passengers and 49% of rear seat passengers were using their seat belts. | used their seat belts in passenger cars. |
| | Portugal | Luxembourg | Spain | Estonia | Poland | Netherlands |
| Follow-up of offences | <p>In the case of automated speed enforcement, the owner is primarily responsible unless he proves that someone else was driving the car in which case only the driver is liable.</p> <p>Offenders in serious cases of drink driving can be made to repeat their driving test and take extra classes.</p> <p>Non-seat belt use if detected in other enforcement context is always followed up.</p> | <p>A new penalty point system with higher sanctions was introduced at the start of 2002. Where drivers have lost a certain number of points they have the option of participating in a rehabilitation course to reinforce their awareness of road safety. More extensive courses of this kind are compulsory for those who have lost all their points.</p> <p>Further new legislation under preparation may again increase sanctions</p> | <p>A change in legislation meant that since 2003 police no longer need to actively stop speeding drivers and a fully automated enforcement has been introduced.</p> <p>Credibility of the sanction system has been recently undermined as drink drivers who are over the legal BAC limit but not driving under the influence are not always charged with a drink driving offence.</p> | <p>Estonia has no penalty point system. Drivers pay their fines upon receiving a ticket at their home address.</p> <p>All drink driving and speeding offences are followed up strictly, whereas warnings are often issued for the non-use of seat belts.</p> <p>In the case of speeding offences, drivers have to be stopped. In the case of automated speed enforcement (planned for this year), the driver will be</p> | <p>Poland has a penalty point system. It was introduced in 1993 and modified several times. For speeding, drivers will lose up to 10 points on their 24 point licence. For the non-use of seat belts, drivers will lose 2 points.</p> <p>For speeding and non-use of seat belts, the police can issue on-the-spot fines. This is not the case for alcohol-related offences where all offences have to go to court. Court procedures can take</p> | <p>About 90% of all traffic-related crimes and infringements and crimes registered are processed under administrative law (Mulder Act). Fines are collected by the Central Judicial Collecting Agency (CIJB), a division of the Public Prosecutors office.</p> <p>Notices for drink driving and speeding are sent out within a month. For trucks, coaches and vehicles with a trailer, higher fines apply.</p> |

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| | | and include the possibility for the police to withdraw a driving license on the spot, for instance, in the case of speeding offences. | The right to appeal against offences causes serious delays. | held liable on the basis of the photographic evidence. | up to two years. Despite efforts made by the police and the National Road Safety Council, Poland still has no law in place to hold the owner responsible for speeding offences committed in their car. | For speeding offences recorded by automated equipment, the responsibility is entirely with the owner. To better tackle the issue of serious offenders, there are plans to introduce a penalty point system. |
| | Portugal | Luxembourg | Spain | Estonia | Poland | Netherlands |
| Information | <p>Nationwide campaigns on alcohol and seat belt use were run in the media and were linked to increased police enforcement in 2004.</p> <p>DGV (General Directorate for Traffic) and the GNR (Guardia Nacional Republicana) publish a weekly record of accidents, casualties, alcohol and speed enforcement activities on their websites for journalists and to inform the public.</p> <p>Information about</p> | <p>Media campaigns are set out in an annual calendar and carried out by the police in partnership with the Ministry of Transport and other partners. Monthly campaigns are undertaken in conjunction with enforcement activities which are led by the police; their impact is reported to the press. Themes are chosen according to the time of year.</p> <p>For example during the 2004 carnival season police focused their</p> | <p>Nationwide campaigns are run in the media with police, local and regional safety councils. Campaigns are linked to increased checks. Campaigns held during 2004 included speed (1-31 August), alcohol (10-20 December) and seat belt use (15-29 February and 15-31 October).</p> <p>Since the early 1970s, a diploma as a Model Driver has been given to drivers with more than 50 years of experience who have</p> | <p>The national Road Administration under the administration of the Ministry of Economic Affairs and Communications is responsible for the campaigns carried out on the national level. For seat belt use, there are also advertisements, information folders, stickers "Fasten seat belt", "Fasten seat belt on back seat, too".</p> <p>Regarding random breath testing actions, drivers are not always informed. The media</p> | <p>The police inform the media about intensified enforcement actions. There is no organisation specialised in running information campaigns to reinforce the police's day-to-day work.</p> <p>A major seat belt campaign is planned for this year led by the National Road Safety Council. Following qualitative and quantitative investigations, the campaign will be launched in mid-August.</p> | <p>There is a campaign calendar for national campaigns which are run by the Ministry of Transport in partnership with the police and other partners, in particular NGOS.</p> <p>Regarding enforcement actions at regional level, information is sent to the local press by the police press services.</p> <p>Fixed camera controls are visible and preceded by traffic signs, whereas mobile checks are always hidden.</p> |

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| | <p>speed radars is indicated but mobile patrols are not meant to be visible for drivers.</p> | <p>campaign on Alcopops and driving. Another example is the focus on children's seat belt use during September at they return to school.</p> <p>At a local level signals that warn drivers when they exceed the speed limit either by blinking or by showing the speed driven have been placed at the roadside at the entrances of towns and villages.</p> | <p>never committed any driving offence.</p> <p>Information about speed cameras is at the roadside and also exists on the Internet. However the exact position is not given.</p> | <p>are informed of the results. Publication of the results in the media depends on whether the outcome of the enforcement action is interesting enough for media coverage. All the names and birthdates of punished drink driving offenders are displayed on the website of the Police.</p> | | <p>Mobile checks are announced only when carried out on motorways.</p> |



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