

Enhancing Transparency and Fairness in Cross-Border Fine Enforcement Across Europe

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Currently, the enforcement of parking and speeding fines across Europe varies significantly between member states, creating inconsistencies and loopholes, particularly when foreign drivers are involved. Many foreign drivers evade fines, exploiting the lack of harmonized cross-border enforcement mechanisms. This undermines the principles of fairness and legal equality within the European Union. The absence of a uniform approach not only creates disparities in the treatment of offenders but also hampers cooperation between EU countries.

Exemplarily, the German Federal Supreme Court (BGH) has ruled that claims may be asserted against the German owner of the vehicles. If the Federal Republic wishes to prosecute foreign vehicle drivers/owners, this is not possible in every EU country without further ado. To address these issues, this resolution calls for clearer, more transparent, and fair guidelines to ensure the consistent penalization and enforcement of traffic violations across Europe.

Recalling:

1. Recognizing the vital role of robust enforcement mechanisms in upholding regulatory standards and ensuring compliance across the diverse landscape of European Union (EU) member states;
2. Acknowledging the intricate challenges presented by transboundary violations of regulations, which demand a harmonized and equitable approach to enforcement to uphold the principles of justice and legal certainty;

3. Emphasizing the imperative for transparent, efficient, and fair enforcement procedures to swiftly address cross-border infractions while fostering trust and cooperation among EU member states and to the central role of the European Car and Driving Licence Information System (EUCARIS)¹ in this process.

4. That in the near past several data exchange issues in EUCARIS occurred, which led to untransparent situations.²

Acknowledging:

1. The timeless values of legal equality and fairness as the bedrock of the European legal framework, indispensable for nurturing a community founded on mutual respect and shared responsibility;

2. The existing disparities and bureaucratic impediments hindering the seamless enforcement of fines for cross-border violations, underscoring the urgent need for reform and harmonization;

YEPP calls on:

1. Urges the European Commission to embark on a thorough and inclusive review of existing mechanisms for cross-border fine enforcement within the EU and strengthening the EUCARIS as comprehensive exchange mechanism, which has access to all relevant data, guided by the principles of transparency, efficiency, and fairness;

2. Calls upon EU member states to unite in a spirit of cooperation and solidarity, collaborating closely with the European Commission to craft standardized guidelines and procedures for the enforcement of fines across borders, thereby ensuring uniformity and legal certainty;

¹ Reference to the current legal basis of EUCARIS, online: <https://www.eucaris.net/general-information/legal-basis/>

² Krone.at (19.09.2024). Austrian drivers escape fines from Italy, online: <https://www.krone.at/3531356>
Spiegel.de (24.09.2024). Italien schickt wieder Strafzettel an deutsche Autofahrer, online: <https://www.spiegel.de/auto/radarfallen-in-italien-deutsche-autofahrer-bekommen-wieder-bussgeldbescheide-a-9c281448-b9cb-40fc-bc9d-1183b0a6467e>

3. Encourages the establishment of information-sharing platform accessible to all relevant authorities across EU member states, fostering seamless communication and coordination in the enforcement of fines for transboundary violations;

5. Calls for decisive action to simplify and expedite the process of fine enforcement for violations crossing national borders, thereby dismantling bureaucratic barriers and expediting justice for all parties involved;

6. Invites EU member states to commit resources and support to bolster the capabilities of national enforcement authorities, empowering them to engage effectively in cross-border collaboration and enforcement efforts.