OUTCOME OF PROCEEDINGS
from: General Secretariat of the Council
to: Delegations
No. prev. doc.: 16944/10 TRANS 356 CODEC 1383 DAPIX 53 ENFOPOL 347
No. Cion prop.: 7984/08 TRANS 100 CODEC 416
Subject: Proposal for a Directive of the European Parliament and of the Council facilitating cross-border enforcement in the field of road safety
- Conclusion on the political agreement

Delegations will find attached:
- the joint statement of AT, CZ, FR, ES, IT and PT,
- the statement of DE,
- the statement of IE,
- the statement of UK, and
- the statement of the Commission
which shall be included in the minutes of the TTE Council of 2 December 2010.
JOINT STATEMENT BY
AUSTRIA, CZECH REPUBLIC, FRANCE, ITALY, PORTUGAL AND SPAIN

"The above mentioned Member States want to state that for the purpose of investigating the person liable for a road safety related traffic offence, all measures as provided by national law can be taken".
STATEMENT BY GERMANY

"Zu Artikel 4 Absatz 1a:

Der Absatz

"The Member State of offence shall, under this Directive, use the data obtained for the purpose of investigating who is personally liable for road safety related traffic offences referred to in Article 2 and Article 3."

wird so verstanden, dass als persönlich haftbare Person in diesem Sinne ausschließlich der Fahrer in Frage kommt, da nur er/sie selbst den Verstoß begangen hat. Die übermittelten Halterdaten dürfen nach Auffassung der Deutschen Delegation damit ausschließlich zur Fahrerermittlung verwendet werden".
STATEMENT BY IRELAND

"The proposed measure falls within the area covered by Title V of Part Three of the Treaty on the Functioning of the European Union. Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice therefore applies. In accordance with Article 3(1) of the Protocol, Ireland is not bound by the measure unless it has notified the President of the Council in writing, within three months of the proposal being presented to the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, that it wishes to take part in the adoption of the proposed measure".
STATEMENT BY THE UNITED KINGDOM

"The proposed measure falls within the area covered by Title V of Part Three of the Treaty on the Functioning of the European Union. Protocol (No 21) on the position of the United Kingdom and Ireland in respect of the Area of Freedom, Security and Justice therefore applies. In accordance with Article 3(1) of the Protocol, the United Kingdom is not bound by the measure unless it has notified the President of the Council in writing, within three months of the proposal being presented to the Council pursuant to Title V of Part Three of the Treaty on the Functioning of the European Union, that it wishes to take part in the adoption of the proposed measure".
STATEMENT BY THE COMMISSION

"The Commission notes that there is unanimity within the Council on the draft Presidency compromise, including on the replacement of the legal basis proposed by the Commission, namely Article 91, paragraph 1c, TFEU by Article 87, paragraph 2, TFEU. While the Commission shares the view of the Council about the importance of pursuing the aims of the proposed Directive to improve road safety, it considers however from a legal and institutional perspective that Article 87, paragraph 2, TFEU does not constitute the appropriate legal basis and therefore reserves its right to use all legal means at its disposal".