

**ASECAP feedback to the revised text for the Cross-border Directive
(Directive (EU) 2015/413)**

ASECAP welcomes the possibility to comment on the proposal of revision of the Directive (EU) 2015/413.

ASECAP congratulates all the extensive work already done regarding this text which will certainly make the European legal framework stronger, uniform and respectful for the guiding principles of a common policy.

ASECAP as already stated in the past, understands that both the text under revision of the Directive (EU) 2015/413 and the EETS Directive (Directive (EU) 2019/520) share common ground of application (mainly in what concerns with procedural aspects) and difficulties of effectiveness of application, essentially on matters of cross border enforcement.

Considering that:

- i) the problems the revision of the Directive (EU) 2015/413 aims to tackle, namely inadequate investigation to enforce financial penalties (due to issues connected with vehicle registration errors/incompletions and others), inadequate recognition of decisions on financial penalties and in particular the one identified as related to the Directive's scope, have common ground both for cross-border enforcement of road traffic rules and on cross-border enforcement of the obligation to pay road fees;
- ii) the transversal principle of equality and the inherent necessity of elimination of distortions and differences of treatment between Member States and its citizens,

it is ASECAP understanding that it would serve such objectives to have a uniformed procedure on the topic of cross-border enforcement.

This understanding is reinforced by the similarity between the Directives 2015/413 and 2019/520, in particular its articles 4 (and 4a of the revised text) and 23, respectively.

In fact, both apply to deviant conducts carried out on European roads, both have the same liable person, and share the necessity of its correct identification and need for safeguard of such personal data, both share the tool for such procurement (Eucaris).

Nonetheless the EETS Directive is not mentioned on the chapter dedicated to the consistency of this Directive with other Union policies or any other chapter.

ASECAP understands that the extension of cross-border enforcement procedure could be achieved either through an extension of scope (as previously proposed) or through the determination of applicability of the clauses regarding the Procedure for the exchange of information between Member States to the scope of the Directive 2019/520 therefore ending the impunity of non-resident offenders and ensuring equal treatment of all road users across the Union on both matters.

We also identify as a clear advantage the consequence of a broader application the sharing of the cost on IT developments and/or others necessary for the exchange/sharing of information as it would serve a wider application.

Likewise ASECAP sees as a clear advantage the possibility to apply to the scope of the EETS Directive on the cross border enforcement topic, the measures introduced on the revised text of the CBE Directive regarding mutual assistance procedure.

ASECAP believes that the uniformization of procedures considered the nature and identity of both legal texts would benefit all the parties involved.

About ASECAP:

ASECAP is the European Association of Operators of Toll Road Infrastructures across 19 member countries representing 128 companies employing more than 44.000 direct jobs and 200.000 indirect jobs. They operate, maintain, manage a network of more than 82.200 km with a long-term vision that ensures highest quality standards to make the road infrastructure safest targeting vision zero fatality and moving toward net zero carbon thank to the user/payer principle providing sustainable financing.

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