

Criminal Justice

Mutual Recognition of Financial Penalties

When cars from one EU country drive too fast in another EU country, it often goes unpunished because it is too cumbersome to collect the related fines across borders. For instance, about 1.5 million fines are sent annually by France to foreign EU drivers, but less than 70% of them are paid. Of course this results in lost income for the countries, but most importantly, it does not give the car drivers an incentive to change their behaviour. However, this is about to change with the Council Framework Decision 2005/214/JHA of 24 February 2005 on mutual legal recognition of financial penalties saying that competent authorities must recognise decisions relating to financial penalties transmitted by another Member State without any further formality .

One might ask "but this decision has existed since 2005, why should something change now?"

Because of e-CODEX and Directive 2011/82/EU on the exchange of car and driving license registration information across Europe. This means that financial penalties now can be executed easily across borders through digital communication between the competent authorities.

Many national systems of enforcement have already taken use of information technology to digitalise the handling of traffic offences collected through speed cameras for instance. These systems will now be connected through e-CODEX and thanks to the e-CODEX transport and semantic solutions be able to exchange cross-border traffic fines and all the necessary related information. The authority having received a fine from another country concerning one of its residents can then pursue the execution of the fine.



The following example shows how the mutual recognition of Financial Penalties works:

Leon from Belgium is heading on holiday to Spain with his car driving through France. He is very excited to be on holiday and drives a little bit faster than he is actually allowed to. Consequently, on the French highway he is caught by a speed camera. When the French fine collecting agency receives the picture and sees that the license plate is Belgian, it obtains the corresponding information on the driver, from the Belgian competent authority. After returning from his holiday, Leon receives a letter prompting him to pay a fine. Leon ignores the letter and receives another one with additional reminder charges. For different reasons Leon still doesn't pay.

The French fine collecting then uses e-CODEX to send the speeding ticket, already digitalised, plus all other related documents to the Belgian authority competent for the execution. The agency can easily verify the authenticity of the received message and contacts Leon in order to get him to pay the requested amount of money as if it was a Belgian speeding ticket.

Benefits for participating countries

Today, when most material is digitalised in national systems, communication on paper between fine collecting authorities and authorities competent for execution is cumbersome and thus often does not happen.

With e-CODEX, thousands of fines can be sent weekly, almost just by pushing a button, signed with a digital signature and with all the required documents attached. While the authority sending the fine to another country contributes to raising the security on the national roads, the receiving authority can keep the money it collects from cross-border traffic fines.

If you would like to get more information or want to contact us,
please visit our website <http://www.e-codex.eu>
or send an email to info@lists.e-codex.eu