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## NEWSLETTER MiniVOX April 2019

Dear Members of the Institute for European Traffic Law!

We are pleased to send you the April Newsletter. Once again we present you interesting new mobility and traffic law in Europe.

Have you already registered for the European Traffic Law Days? Benefit from the exclusive registration fee for IETL members!

Best regards

Michael Nissen on behalf of the Editors VOX and the  
Committee Communication & Media



### EU insurers publish no-deal Brexit check list

Insurance Europe has published a [check list](#) regarding the insurance implications of a no-deal Brexit. The checklist includes:

- **Motor insurance** - Currently, motorists insured in any EU member state can drive vehicle in any other EU member state. However, as no agreement has been reached to continue this in the case of a no-deal Brexit, both UK and EU motorists should check their insurance provider to see whether they need a Green Card.

- **Health insurance** - Currently, EU residents travelling within the EU can request a European Health Insurance Card (EHIC) that provides access to healthcare in other EU countries. However, in the case of a no-deal Brexit, EHIC cards will not be officially recognised in the UK for EU travellers or vice-versa. Therefore, travellers must ensure they have adequate travel or health insurance to cover any health services needed while travelling.
- **Travel insurance** - If there is a no-deal Brexit, while travellers from the UK to the EU will still be covered by EU or EEA region policies (with the possible exception of non-resident expenses covered by the EHIC), both they and EU travellers to the UK should check their policies cover their destination before they travel.

Further information and advice can be found online for the [EU27](#) and for the [UK](#)

Source: Insurance Europe



## European Commission: New rules clear way for clean, connected and autonomous mobility on EU roads

The European Commission has today adopted new rules stepping up the deployment of Cooperative Intelligent Transport Systems (C-ITS) on Europe's roads. The new technology will allow vehicles to 'talk' to each other, to the road infrastructure, and to other road users, for instance about dangerous situations, road works and the timing of traffic lights, making transport safer, cleaner and more efficient. The new rules are in line with the [proposals on mobility](#) introduced by the Juncker Commission, are a further step for modernising the European mobility sector, preparing it for climate neutrality in the second half of the century and contributing to the EU's long-term goal of moving close to zero fatalities and serious injuries by 2050 ("Zero").

Commissioner for Mobility and Transport, Violeta Bulc said: *"This decision gives vehicle manufacturers, road operators and others the long-awaited legal certainty needed to start scale deployment of C-ITS services across Europe, while remaining open to new technology and market developments. It will significantly contribute to us achieving our ambitions on road safety and is an important stepping stone towards connected and automated mobility."*

Today's adoption is an important stage in enabling communication among vehicles. As of this year, vehicles, traffic signs and motorways will be equipped with technology to send standardised messages to all traffic participants around them.

The specifications establish the minimal legal requirements for interoperability between different cooperative systems used. Interoperability will enable all equipped stations to exchange messages with any other station securely in an open network.

The cooperative element – enabled by digital connectivity between vehicles, and between vehicles and infrastructure – will be a key element of the future European mobility ecosystem.

and the transport infrastructure – is expected to significantly improve road safety, traffic efficiency and comfort when driving, by helping the driver to make the right decisions and adapt to the situation.

### Next Steps

The Commission decision takes the form of a delegated act. The publication of the *delegated* followed by a *two-month* period during which both the European Parliament and the Council oppose its entry into force.

### Background

The act is based on the ITS Directive, which accelerates the deployment of these innovative transport technologies across Europe. Several stakeholders took advantage of the possibility to give feedback on the draft act in a public consultation over four weeks in January.

The Commission has also proposed in May 2018 that cars, trucks and buses be equipped with new and advanced safety features, such as emergency braking, intelligent speed assistance and enhanced pedestrian and cyclist protection. The features are an enabler of automated driving, promising EU industry leadership in this important area. Negotiations by co-legislators on the proposal will start tomorrow.

Source: *European Commission*



### Cross border enforcement on traffic rules

The European Commission is currently undergoing an evaluation of the cross-border enforcement of road traffic rules. In this process, it allows for stakeholders to provide feedback to the [Interim Impact Assessment](#) roadmap of the revision of the Cross-Border Enforcement Directive (2015/413/EU).

A public consultation is planned for the first quarter 2020.

Source: *European Commission*



### Overview “Traffic fines in Europe”

In March 2019 the club has published a [comparative overview](#) of traffic violations in Europe.

At the top of the countries with the highest fine rates are still the Scandinavian countries. Norway

Sweden and Finland as well as the Netherlands, Switzerland and Italy. For speeding over 20 km/h there are due e.g. at least 480 euros (Norway), 230 euros (Sweden), 200 euros (Finland), 170 euros (Netherlands) and 160 euros (Switzerland). By comparison, the fine in Germany is rather small (35 euros) for a relevant infringement.

Parking violations are the most expensive in the Netherlands (from 95 euros), Spain (up to 100 euros), Cyprus (85 euros), Denmark (from 70 euros) and in Belgium, Montenegro and the Czech Republic (each from 60 euros).

In some places, substantial reductions are granted in the case of immediate or timely payment of the fine. For example, in Spain, if the fine is paid within 20 days, only 50% of the fine is due, which may amount to at least 50 Euro for speed violations. In Italy, the fine is doubled if it is not paid within 60 days from the date of submission of the penalty notice (however, if the amount is paid within five days of notification of the fine, there will be a 30% discount). France also offers discounts for payment within 15 days.

Drastic consequences are generally foreseen for driving under the influence of alcohol: in Italy a car will be expropriated when driving under influence with a blood alcohol concentration (BAC) of at least 1.5 per thousand - if driver and owner are identical. Denmark provides a similar regime for a BAC from 2.0 per mille. Imprisonment is foreseen e.g. in Sweden (one month with BAC from 1.0 per thousand) or in Spain (three months with BAC from 1.2 per thousand).

At the end of 2018 Malta reduced the BAC limit from 0.8 to 0.5 per mille BAC. A 0.8 per mille BAC is still valid in the United Kingdom (England, Wales and Northern Ireland). By way of derogation, Scotland tolerates a maximum of only 0.5 per mille and has thus also adapted to the continental European average in this regard.

In some countries, using a mobile phone without hands-free system while driving is also expensive: while relevant violations are punished in Latvia with only 15 euros, in the United Kingdom, the fine starts from 230 euros, in Denmark are due 200 euros, in Italy 165 euros and in the Netherlands even as high as 240 euros.

Source: ADAC e.V.



### **Judgment of the ECJ of 28.02.2019 in Case C-9/18 ("Meyn") Mutual recognition of driving licenses**

The defendant - a resident of German nationality - German driving license has been withdrawn since 2006.

However, he was issued a Hungarian driver's license in 2010 on presentation of a fake Russian driver's license from 1986. This Hungarian driver's license was converted in 2011 into a driving license document.

The referring court (OLG Karlsruhe) wanted to know whether the second subparagraph of Article 11 (6) of Directive 2006/126 also applies in a situation such as this: the (here: Polish) driving license was issued in exchange for a license by another Member State (here: Hungary) in which in turn was issued in exchange for a (here: Russian) third-party driving license.

Could Germany refuse the recognition of the Polish driving license in this case as well as the referring court had doubts as to whether a refusal to recognize the Polish driving license, based on Paragraph 28 (4) of the (Fahrerlaubnisverordnung / FeV), was admissible, since the wording of the case did not directly cover that case.

### Judgment of the ECJ

Directive 2006/126 must be interpreted as meaning that a Member State (here: Germany) is prohibited from refusing to recognize a (here: Polish) driving license, the holder of which is ordinarily resident in the territory of that Member State (here: Germany) and issued by a Member State (here Poland) without a driving test on the basis of a driving license issued by another Member State (here Hungary), which, in turn, is exchanged for a driving license issued by a third country (here: fake Russian driver's license).

The judgment can be downloaded [here](#).

Source: ECJ / ADAC e.V.

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## 20th European Traffic Law Days 2019 in Athens / Greece



INSTITUTE FOR EUROPEAN  
TRAFFIC LAW

**XXth EUROPEAN TRAFFIC LAW DAYS 3-4 October 2019**  
**GRAND HYATT ATHENS**



**SAVE THE DATE!**

**Early Bird registration fee for members: 550€ (VAT incl.)**

Please register via the personalized link you received by e-mail.

**As from June 1st, 2019 a registration fee of 650€ (VAT incl.) will be applied.**

Conference location:  
Grand Hyatt Athens  
115, Syngrou Avenue  
GR-11745 Athens  
Tel: +30 2144021234  
[www.athens.grand.hyatt.com](http://www.athens.grand.hyatt.com)

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## Recommended literature

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### **Bußgeldkataloge in Europa (2. Auflage)**

Editors: Hermann Neidhart and Michael Nissen (IETL Board member)

**ISBN:** 978-3-8240-1545-0, 2. Auflage, 224 Seiten, Deutscher Anwaltverlag Bonn 2018, 29,00

The second edition of the book "Fines Catalogs – Traffic Tickets in 22 European countries" presents at a glance the fines of all major European travel destinations. The new edition has included the much-traveled EU countries Croatia and Slovenia.

The fine catalogs contain in clear tables the relevant fines for parking offenses and special alcohol offenses and other offenses. New references have been made to the laws and regulations on which the current fine catalogs are based. Likewise, the respective section "Special Rules" has been extended by the new features. The chapter on Germany took into account changes made in the points system in recent years and the tightening of the fine catalog.

**Further information and orders:** [Anwaltsverlag](http://Anwaltsverlag)

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**Münchener Kommentar zum Straßenverkehrsrecht: StVR,  
Band 3: Internationales Straßenverkehrsrecht**

Editors: Dr. Michael Buse (IETL Board member) and Prof. Ansgar Staudinger

**ISBN:** 978-3-406-66353-6, 1097 Seiten, C.H.Beck München 2019, 259,00 €

For decades, road traffic law has been a highly relevant legal area in legal practice, characterised by differentiated jurisprudence as well as by an even faster development of national and international legislation. This new commentary highlights the modern developments in international road law and pays special attention to the requirements of the practice.

Content:

- Green Card System and MID Guidelines
- International Private and Procedural Law
- Prosecution of road traffic offenses committed in other EU countries and the enforcement of foreign sanctions in Germany
- Numerous international legal systems, which i.a. be compared with German law (including Belgium, Greece, Italy, Croatia, Austria, Poland, Switzerland, Slovakia, Slovenia, Spain, Turkey)

**A detailed review will appear in one of the next issues of MiniVOX.**

**Further information and orders:** [Beck-Shop](#)



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