

Did you know that...?

- Parking and traffic enforcement is increasingly the responsibility of local authorities rather than the police. Penalties for breaches of the rules relating to parking and traffic management are often purely administrative nature, with no involvement of the criminal process.
- In the United Kingdom 255 local authorities have responsibility for enforcing parking rules. Local authorities in other countries including Belgium, The Netherlands, Italy and Malta also have responsibility for parking enforcement. In the United Kingdom local authorities also have responsibility for traffic management issues such as illegal use of bus lanes, vehicles blocking junctions, banned turns, non-payment of congestion charges, breaches of low emission zone rules, weight restrictions on certain roads and bridges and a range of other moving traffic offences.
- Local Authority Enforcement usually means that financial penalties received can then be applied to the benefit of local traffic improvement schemes. This means that the local or urban environment which has suffered from the breach of regulations receives the benefit of the monetary payment.
- The rules applying to cross-border penalty payments have failed to recognise that enforcement of administrative penalties falls outside existing legal provisions. The Council framework decision on financial penalties only applies to criminal fines.
- Foreign Registered vehicles (FRV's) are an increasing feature of traffic throughout Europe and are a natural consequence of the successful European policy to encourage greater freedom of movement of citizens. The number of FRVs in the UK for example is large despite the UK being an island on the edge of Europe and more difficult to reach by car.
- Approximately three million FRVs enter the UK each year. About 142,000 are present in the UK at any one time. In London FRVs represent 3% of all traffic and in the South East and in major cities throughout the UK about 2% of the traffic is made up of vehicles with a foreign licence plate. Most of these vehicles are cars, with foreign lorries making up 9% of the total. Of every 15 coaches on British roads one of them has a foreign license plate - that is to say about 1300 at any one point.
- The evidence suggests that although most foreign vehicles are law-abiding, there is a tendency amongst a significant proportion to break the regulations. In the UK, for example:
 - FRVs are twice as likely to fail to pay the London congestion charge by comparison with UK registered vehicles.
 - FRVs are more likely to be caught on camera speeding than a local registered vehicle.
 - Foreign registered lorries make up almost 44% of all heavy goods vehicles stopped for being over-weight.
 - Nearly 60% of lorries stopped for having mechanical defect have a foreign licence plate.
 - FRVs are about 30% more likely to be involved in an accident than a UK registered vehicle.
- Public authorities have difficulty identifying the owners of FRVs, because their registration numbers are not listed on the in-country vehicle registration database,

and there is little access to foreign databases. This degree of anonymity encourages some owners of FRVs to maintain their status as foreign registered well beyond the time when they ought to have re-registered with the local vehicles licensing authorities. In the UK we calculate that 15,000 vehicles remain in the UK beyond the 6 months period granted to them and accordingly fail to pay the local vehicle excise duty or go through the annual mechanical checks which are required of local registered vehicles.

- Vehicle identification is a particular problem where the enforcement system is carried out using CCTV cameras. Cameras on buses photograph offenders driving or parking in bus lanes, moving vehicles that ignore traffic signs relating to junctions or banned turns are photographed, vehicles entering environmental or congestion charge zones are filmed on entry or exit. All camera-enforced traffic management schemes need access to vehicle records so that *at the very least* the owner of the vehicle can be told that he has committed an offence or failed to pay the relevant charge. Because Europe does not facilitate and encourage sharing vehicle registration data, vehicle owners are not being given the opportunity to pay what they owe to the local authorities on whose roads they have been driving.

Europe's Low Emissions Zone enforcement experience

- Over 70 cities and towns in 8 countries in Europe have or will implement Low Emission Zones (LEZ's) to help achieve EU air quality limit values, and further zones are likely to be established. All LEZs find it difficult to enforce their rules against foreign vehicles, or even to identify to what emissions standards the vehicles are operating. While in a few cases bi-lateral agreements or debt collection agencies can be used, in practice enforcement against foreign vehicles is often not possible, leading to consequential inter-community tension.
- The Netherlands has 19 LEZ cities including Den Haag and Amsterdam, using camera and manual enforcement under Dutch civil law. In accordance with the European Commission's advice on the notification of the national LEZ scheme, foreign vehicles have been observed, but not enforced against, for the first year of LEZ operations. In autumn 2008 the Netherlands is expected to start enforcement against foreign vehicles, but as things stand the Dutch LEZ cities will be unable to send fine notices to foreign vehicles that have not registered with the Dutch LEZ schemes, or to enforce fines on any foreign vehicles
- Germany has 33 LEZ cities, including Berlin and Cologne which manually enforce their Zone regulations through criminal proceedings. However as the penalty level is €40, the Council Framework decision rules relating to mutual penalty recognition do not apply. So LEZ penalties cannot be enforced on foreign vehicles - neither fines nor points on the driving licence.

The Irish toll road experience:

- A 'barrier-free' road tolling scheme will be introduced on the M50 ring road motorway around Dublin on 30 August 2008 and is the first of its kind in Ireland. The National Roads Authority has been given powers of civil enforcement and prosecution of toll evasion offences on national roads in Ireland. The NRA is concerned that a significant number of users may not pay the toll, particularly if they have vehicles registered outside the Irish Republic. About 100,000 vehicles currently drive through the existing toll point (which currently has a barrier) each day and three to four thousand of those have a foreign licence plate. The majority of vehicles registered outside of Ireland that use the M50 are registered in either the UK or in Northern Ireland. The National Roads Authority had identified the traceability of FRVs and the ability to pursue those foreign vehicles for toll violations as being a fundamental issue which would have the potential to undermine the project in the eyes of the Irish public. There will be a public credibility question mark about the fairness of the scheme if the perception is formed that foreign registered vehicles are untraceable and therefore the scheme is unenforceable against them.

The Bruges experience

- In the city of Bruges in Belgium about 30,000 parking infringements are recorded each year. 6,000 of these infringements are carried out by FRVs of which 60% have a French number plate. In a city like Bruges which is very popular with tourists – 3 million visit the city each year - the local authorities feel a responsibility to apply a consistent policy on on-street parking to all visitors. Whereas they are able to obtain details of Belgian offenders they have no access to the French vehicle registration database. As a consequence the local tax applied to parking offenders can be enforced against Belgium vehicles owners but not against French vehicle owners. This inequality is inherently unfair and is a source of annoyance and frustration to the local population of Bruges.

Rome's Experience

- The municipality of Rome enforces a range of traffic offences including illegal parking, banned vehicle movements, driving in a public transport lane, use of a mobile phone while driving, driving in a pedestrian zone and driving in a limited traffic zone (a ZTL - 'zona a traffico limitato' - in Italian). In 2005 the city recorded nearly 13,000 offences by vehicles holding a foreign licence plate, of which 94% were breaches of a ZTL. The economic value of the penalties issued to foreign vehicles was more than €874,000. Of the penalties that were issued to FRV owners, only about 3% were paid. Traffic penalty receipts in Rome contribute directly to the city budget, so Rome's finances as a consequence suffered a loss more than €845,000 in uncollected penalties.

Amsterdam Parking

- Amsterdam in the Netherlands is another popular visitor destination – 4.9 million tourists visit the city each year, many by car. About 50,000 parking infringements are recorded annually as having been carried out by FRVs of which 25% have a German registration, 22% have a French number plate and 8% are registered in Belgium. The economic value of the penalties issued to foreign vehicles is more than €2.1 million. The local authority feels a responsibility to apply the policy of parking enforcement on-street parking equally to all visitors. Although the authorities do have access to the German and Belgian vehicle registration database and can identify the vehicle owners, there is no access to the French vehicle registration database. However there is no means to enforce payment against any of the foreign registered vehicle owners. As a consequence the local tax applied to parking offenders can be enforced only against Dutch vehicles owners but not against German, Belgian and French vehicle owners. This inequality is unfair and the Amsterdam authorities would like to bring this unfairness to an end.

Malta Parking

- Traffic penalties in Malta are de-penalised and their enforcement is the responsibility of local councils throughout the island. After a traffic penalty has been issued by the tribunal its collection in the case of non-payment becomes a matter civil debt recovery. More than 250,000 parking tickets are issued in Malta each year although very few are now issued to FRVs. This is not because Malta is untroubled by foreign vehicles – it receives many visitors from Italy and Germany each year – but because the enforcement system depends on the identification of the owners of offending vehicles, and this is impossible. Maltese authorities know that at the tribunal stage their claims will be rejected as there will be no means of identifying who is responsible for payment.