



European Treaty Series - No. 52

**EUROPEAN CONVENTION
ON THE PUNISHMENT
OF ROAD TRAFFIC OFFENCES**

Strasbourg, 30.XI.1964

Preamble

The member States of the Council of Europe, signatory hereto,

Considering the increase in road traffic between European States and the dangers consequent upon the violation of rules designed to protect road users;

Considering that the aim of the Council of Europe is the achievement of greater unity between its members;

Convinced of the necessity of their mutual co-operation in ensuring more effective punishment of road traffic offences committed in their territories,

Have agreed as follows:

Section I – Fundamental principles**Article 1**

- 1 When a person ordinarily resident in the territory of one Contracting Party has committed a road traffic offence in the territory of another Contracting Party, the State of the offence may, or if its municipal law requires, must, request the State of residence to take proceedings if it has not instituted them itself, or if, having done so, it deems it impossible to carry them through to a final decision or to enforce the penalty in full.
- 2 When a judgment or administrative decision has become enforceable in the State of the offence after the offender has been given an opportunity to present his defence, that State may request the State of residence to enforce such judgment or decision.
- 3 The State of residence shall take action on the request for proceedings or enforcement as hereinafter provided. However, enforcement of judgments rendered by default shall not be compulsory.

Article 2

- 1 The road traffic offence in respect of which proceedings or enforcement are requested in accordance with Article 1 must be punishable under the laws of both the State of the offence and the State of residence.
- 2 For the purposes of prosecution or enforcement of sentence the law of the State of residence shall be applicable, it being understood that the only traffic rules to be referred to shall be those in force at the place of the offence.

Section II – Proceedings in the State of residence

Article 3

The authorities of the State of residence shall be competent to prosecute, at the request of the State of the offence, for a road traffic offence committed in the territory of that State.

Article 4

The competent authorities of the State of residence shall examine any request for proceedings addressed to them under Articles 1 and 2 and shall decide, in accordance with their own laws, what action to take thereon.

Article 5

- 1 When the State of the offence has addressed a request for proceedings under Article 1, it may no longer proceed or enforce a decision against the offender.
- 2 It may resume proceedings or enforcement:
 - a whenever the State of residence has notified the State of the offence that it has not taken action on the request;
 - b whenever, on grounds which have arisen subsequently, it has notified the State of residence of the withdrawal of its request before the opening of the hearing in a court of first instance or before the delivery of an administrative decision in the State of residence.

Article 6

- 1 The request for proceedings shall mention the date on which the competent authority made application.

In the State of the offence, the limitation of the time for prosecution shall be suspended as from that date. Such time limitation shall begin to run again to its full extent from the date of the notification in accordance with paragraphs 2.a and b of Article 5 that no action has been taken or that the request has been withdrawn and, in any case, within six months of the request for proceedings.

- 2 In the State of residence, the time limitation for prosecution shall only begin to run from the date of receipt of the request for proceedings.

When, in that State, a complaint from the victim is required for the institution of proceedings, the time-limit within which such complaint shall be lodged will begin to run from the date of receipt of the request for proceedings.

Article 7

Documents drawn up by the judicial and administrative authorities of the State of the offence shall have the same legal force in the State of residence as if they had been drawn up by the authorities of that State, and *vice versa*.

Section III – Enforcement in the State of residence

Article 8

The authorities of the State of residence shall be competent, when requested by the State of the offence, to enforce the decisions referred to in Article 1.2 of this Convention. Decisions shall be enforced in accordance with the law of the State of residence subject to confirmation of the authenticity of the request and of its conformity with this Convention. The State of residence shall be competent to grant the offender conditional release. The right of pardon may be exercised by either the State of residence or the State of the offence.

Article 9

- 1 Enforcement in the State of residence shall not take place:
 - a if the offender has been the subject of a final decision in that State in respect of the same offence;
 - b if the time-limit for the penalty has expired according to the law of either the State of the offence or the State of residence;
 - c if the offender has benefited under an amnesty or a pardon in either the State of residence or the State of the offence.
- 2 The State of residence may refuse enforcement:
 - a if the competent authorities in that State have decided not to take proceedings, or to drop proceedings already begun, in respect of the same act;
 - b if the act for which sentence has been pronounced is also the subject of proceedings in that State;
 - c to the extent that that State deems it likely that enforcement would do violence to the fundamentals of its legal system or would be incompatible with the principles governing the application of its own penal law, in particular if, on account of his age, the offender could not have been sentenced in that State.

Article 10

When a request is made under Article 1.2 for the enforcement of some penalty other than a fine, the State of residence shall, if necessary, substitute for the penalty imposed in the State of the offence the penalty prescribed by the law of the State of residence for a like offence.

Such penalty shall, as far as possible, correspond in nature to that imposed by the decision of which enforcement is requested. It may not exceed the maximum penalty provided for by the legislation of the State of residence nor may it be longer or more severe than that imposed by the State of the offence. In determining the penalty, the competent authorities of the State of residence may also take into consideration the methods whereby the penalty is customarily enforced in that State.

Article 11

When a request is made for the enforcement of a fine, the State of residence shall collect payment in accordance with the conditions prescribed by its law up to the maximum sum fixed by such law in respect of a like offence or, failing such a maximum, up to the amount of the fine customarily imposed in the State of residence in respect of a like offence.

Article 12

In case of non-payment of the fine, the State of residence shall, if requested by the State of the offence, apply such compulsory or substitute measures as are prescribed by its own laws. The State of residence shall not apply a compulsory or substitute measure involving imprisonment prescribed by a sentence in the State of the offence unless expressly requested to do so by that State.

Article 13

The State of the offence may no longer enforce any decision against the offender unless a refusal or an inability to enforce has been notified to it by the State of residence.

Section IV – General provisions**Article 14**

- 1 Requests under Article 1 of this Convention shall be made in writing.
- 2 A request for proceedings shall be accompanied by the original or authentic copy of all statements, diagrams, photographs and other documents relating to the offence and by a copy of the legal provisions applicable to the case in the State of the offence. Copies of the offender's record of convictions, statutory provisions relating to the time limitation, writs suspending the time limitation, together with supporting facts, shall also be appended.
- 3 A request for enforcement shall be accompanied by the original or an authentic copy of the decision, which shall be certified enforceable in the manner prescribed by the law of the State of the offence. When the decision of which enforcement is requested supersedes another decision without reproducing the statement of the facts, an authentic copy of the decision containing such statement shall be appended.

Article 15

- 1 Requests shall be sent by the Ministry of Justice of the State of the offence to the Ministry of Justice of the State of residence and the reply shall be sent through the same channels.
- 2 Any communications necessary under the terms of this Convention shall be exchanged either through the channels referred to in paragraph 1 of this article, or directly between the authorities of the Contracting Parties.
- 3 In case of emergency, the communications referred to in paragraph 2 of this article may be made through the International Criminal Police Organisation (Interpol).
- 4 Any Contracting Party may, by declaration addressed to the Secretary General of the Council of Europe, give notice of its intention to adopt new rules in regard to the communications referred to in paragraphs 1 and 2 of this article.

Article 16

If the State of residence considers that the information supplied by the State of the offence is inadequate to enable it to apply this Convention, it shall ask for the additional information required. It may fix a time-limit for the receipt of such information.

Article 17

The Contracting Parties shall extend the legal assistance they afford one another in criminal matters to measures necessary for the execution of this Convention, including the transmission of writs drawn up by the administrative authorities and service of orders to pay, the latter measure not being deemed an enforcement measure.

Article 18

The State of residence shall inform the State of the offence without delay of the action taken on a request for proceedings or enforcement and shall, in either case, send to the latter State a document certifying that the penalty has been enforced and also, in the case of proceedings, an authentic copy of the final decision.

Article 19

- 1 Subject to the provisions of paragraph 2 of this article, no translation of requests, or of the supporting documents, or of any other documents relating to the application of this Convention, shall be required.
- 2 Any Contracting Party may, when signing or depositing its instrument of ratification, acceptance or accession, by a declaration addressed to the Secretary General of the Council of Europe, reserve the right to require that requests and supporting documents should be accompanied by a translation into its own language or into one of the official languages of the Council of Europe or into such one of those languages as it shall indicate. The other Contracting Parties may claim reciprocity.
- 3 This article shall be without prejudice to any provision concerning translation of requests and supporting documents that may be contained in agreements or arrangements now in force or that may be concluded between two or more Contracting Parties.

Article 20

Evidence and documents transmitted in application of this Convention need not be authenticated.

Article 21

The proceeds of fines levied as a result of requests for proceedings or enforcement shall become the property of the State of residence which may use them as it deems fit.

Article 22

The State of residence shall have power to collect, at the request of the State of the offence, the costs of prosecution and trial incurred in that State.

Should it collect such costs, it shall be obliged to refund to the State of the offence experts' fees only.

Article 23

The costs of proceedings and enforcement incurred in the State of residence shall not be refunded.

Section V – Final provisions**Article 24**

In this Convention:

- a “Road traffic offence” means any offence listed in the “Common Schedule of Road Traffic Offences” annexed to this Convention;
- b “State of the offence” means the State, Party to the present Convention, in whose territory a road traffic offence has been committed;
- c “State of residence” means the State, Party to the present Convention, in which the person who has committed a road traffic offence is ordinarily resident;
- d “Road traffic rules” means any rules covering items 4 to 7 of Annex I to this Convention, entitled “Common Schedule of Road Traffic Offences”;
- e “Judgment” refers to decisions rendered by a judicial authority, including *ordonnances pénales* and *amendes de composition*;
- f “Administrative decision” refers to decisions rendered in some States by administrative authorities empowered to impose the penalties prescribed by law for certain classes of road traffic offences.

Article 25

- 1 Annex I to this Convention, entitled “Common Schedule of Road Traffic Offences”, shall be an integral part thereof.
- 2 Any Contracting Party may, at any time, by written declaration to the Secretary General of the Council of Europe, indicate road traffic offences not listed in Annex I to which it wishes to apply this Convention, or those listed in Annex I which it wishes to exclude from such application, in its relations with the other Contracting Parties.
- 3 When a Contracting Party has added an offence or offences to the list contained in Annex I to this Convention, the other Contracting Parties shall, if appropriate, notify the Secretary General of the Council of Europe of their agreement. Such additions may be invoked *vis-à-vis* them, three months after such notification.

- 4 When a Contracting Party has removed an offence or offences from the list contained in Annex I to this Convention, the declaration referred to in paragraph 2 of this article shall take effect, if it is made at the time of the signature of the Convention or of the deposit of the instrument of ratification, acceptance or accession, at the time of entry into force of the Convention; if it is made later, three months after its receipt by the Secretary General of the Council of Europe. Any Contracting Party may claim reciprocity.
- 5 Any Contracting Party may state that under its domestic law the declaration provided for in paragraphs 2 and 3 must be submitted for approval to its legislative organs. In this event any addition to the list in Annex I shall not come into effect with regard to the said Party until the latter has informed the Secretary General of the Council of Europe that such approval has been obtained.

Article 26

The present Convention does not limit the competence given to the State of residence by its municipal law in regard to prosecutions and/or enforcement.

Article 27

- 1 If two or more Contracting Parties establish their relations on the basis of uniform legislation or on special arrangements for reciprocity, they shall have the option of regulating their mutual relations in the matter solely on the basis of such systems, notwithstanding the provisions of the present Convention.
- 2 Contracting Parties who, in accordance with the provisions of the present article, exclude from their mutual relations the application of the present Convention, shall send a notification to the Secretary General of the Council of Europe to this effect.

Article 28

The European Committee on Crime Problems of the Council of Europe shall be kept informed regarding the application of this Convention and shall do whatever is needful to facilitate a friendly settlement of any difficulty which may arise out of its execution.

Article 29

- 1 This Convention shall be open to signature by the member States of the Council of Europe. It shall be subject to ratification or acceptance. Instruments of ratification or acceptance shall be deposited with the Secretary General of the Council of Europe.
- 2 The Convention shall enter into force three months after the date of the deposit of the third instrument of ratification or acceptance.
- 3 In respect of a signatory State ratifying or accepting subsequently, the Convention shall come into force three months after the date of the deposit of its instrument of ratification or acceptance.

Article 30

- 1 After the entry into force of this Convention, the Committee of Ministers of the Council of Europe may invite any non-member State to accede thereto.

- 2 Such accession shall be effected by depositing with the Secretary General of the Council of Europe an instrument of accession which shall take effect three months after the date of its deposit.

Article 31

- 1 Any Contracting Party may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, specify the territory or territories to which this Convention shall apply.
- 2 Any Contracting Party may, when depositing its instrument of ratification, acceptance or accession or at any later date, by declaration addressed to the Secretary General of the Council of Europe, extend this Convention to any other territory or territories specified in the declaration and for whose international relations it is responsible or on whose behalf it is authorised to give undertakings.
- 3 Any declaration made in pursuance of the preceding paragraph may, in respect of any territory mentioned in such declaration, be withdrawn according to the procedure laid down in Article 33 of this Convention.

Article 32

- 1 Any Contracting Party may, at the time of signature or when depositing its instrument of ratification, acceptance or accession, declare that it avails itself of one or more of the reservations provided for in Annex II to this Convention.
- 2 Any Contracting Party may wholly or partly withdraw a reservation it has made in accordance with the foregoing paragraph by means of a declaration addressed to the Secretary General of the Council of Europe, which shall become effective as from the date of its receipt.
- 3 A Contracting Party which has made a reservation in respect of any provision of this Convention may not claim the application of that provision by any other Party; it may, however, if its reservation is partial or conditional, claim the application of that provision in so far as it has itself accepted it.
- 4 Any Contracting Party may, on signing the present Convention or on depositing its instrument of ratification, acceptance or accession, notify the Secretary General of the Council of Europe that it considers ratification, acceptance or accession as entailing an obligation, in international law, to introduce into municipal law measures to implement the said Convention.

Article 33

- 1 This Convention shall remain in force indefinitely.
- 2 Any Contracting Party may, in so far it is concerned, denounce this Convention by means of a notification addressed to the Secretary General of the Council of Europe.
- 3 Such denunciation shall take effect six months after the date of receipt by the Secretary General of such notification.

Article 34

The Secretary General of the Council of Europe shall notify the member States of the Council and any State which has acceded to this Convention, of:

- a any signature;
- b any deposit of an instrument of ratification, acceptance or accession;
- c any date of entry into force of this Convention in accordance with Article 29 thereof;
- d any notification or declaration received in pursuance of the provisions of paragraph 4 of Article 15, of paragraph 2 of Article 19, of paragraphs 2, 3, 4 and 5 of Article 25, of paragraph 2 of Article 27 and of paragraph 4 of Article 32;
- e any declaration received in pursuance of the provisions of paragraphs 2 and 3 of Article 31;
- f any reservation made in pursuance of the provisions of paragraph 1 of Article 32;
- g the withdrawal of any reservation carried out in pursuance of the provisions of paragraph 2 of Article 32;
- h any modification received in pursuance of the provisions of Article 33, and the date on which denunciation takes effect.

Article 35

This Convention and the notifications and declarations authorised thereunder shall apply only to road traffic offences committed after the Convention comes into effect for the Contracting Parties involved.

In witness whereof the undersigned, being duly authorised thereto, have signed this Convention.

Done at Strasbourg this 30th day of November 1964, in English and French, both texts being equally authoritative, in a single copy which shall remain deposited in the archives of the Council of Europe. The Secretary General of the Council of Europe shall transmit certified copies to each of the signatory and acceding States.

ANNEX I

Common schedule of road traffic offences

- 1 Manslaughter or accidental injury on the roads.
- 2 "Hit and run" driving, i.e., the wilful failure to carry out the obligations placed on drivers of vehicles after being involved in a road accident.
- 3 Driving a vehicle while:
 - a intoxicated or under the influence of alcohol;
 - b under the influence of drugs or other products having similar effects;
 - c unfit because of excessive fatigue.
- 4 Driving a motor-vehicle not covered by third-party insurance against damage caused by the use of the vehicle.
- 5 Failure to comply with a direction given by a policeman in relation to road traffic.
- 6 Non-compliance with the rules relating to:
 - a speed of vehicles;
 - b position and direction of vehicles in motion, meeting of oncoming traffic, overtaking, changes of direction and proceeding over level crossings;
 - c right of way;
 - d traffic priority of certain vehicles such as fire-engines, ambulances and police vehicles;
 - e signs, signals and road markings, in particular "stop" signs;
 - f parking and halting of vehicles;
 - g access of vehicles or classes of vehicles to certain roads (for example, on account of their weight or dimensions);
 - h safety devices for vehicles and loads;
 - i marking descriptive (*signalisation*) of vehicles and loads;
 - j lighting of vehicles and use of lamps;
 - k load and capacity of vehicles;
 - l registration of vehicles, registration plates and nationality plates.
- 7 Driving without a valid licence.

ANNEX II

- 1 Any Contracting Party may declare that it reserves the right:
 - a not to accept Section III or to accept it only in respect of certain classes of penalties or enforcement measures;
 - b not to accept Article 6 or to accept only certain provisions of this article.
- 2 Any Contracting Party may declare that for reasons arising out of its constitutional law, it can accept requests for proceedings only in cases specified in its municipal law.