

No. 12418

MULTILATERAL

European Convention on the punishment of road traffic offences (with annexes). Done at Strasbourg on 30 November 1964

Authentic texts: English and French.

Registered by the Council of Europe on 5 April 1973.

MULTILATÉRAL

Convention européenne pour la répression des infractions routières (avec annexes). Conclue à Strasbourg le 30 novembre 1964

Textes authentiques: anglais et français.

Enregistrée par le Conseil de l'Europe le 5 avril 1973.

EUROPEAN CONVENTION¹ ON THE PUNISHMENT OF ROAD TRAFFIC OFFENCES

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.

¹ Came into force on 18 July 1972 for the following States, members of the Council of Europe, i.e. three months after the date of the deposit with the Secretary-General of the Council of Europe of the third instrument of ratification or acceptance, in accordance with article 29 (1) and (2):

<i>State</i>	<i>Date of deposit of instrument of ratification, or acceptance (A)</i>	
France *	16 September	1968 A
Cyprus	16 April	1969
Denmark *	17 April	1972

Subsequently, an instrument of ratification was deposited by the following State:

Sweden *	28 April	1972
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(With effect from 1 August 1972, in accordance with a declaration contained in the procès-verbal of deposit of the instrument of ratification.)

* See p. 127 of this volume for the text of the reservations and declarations made upon ratification or acceptance.

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 as 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 notification 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.

EN FOI DE QUOI, les soussignés, dûment autorisés à cet effet, ont signé la présente Convention.

FAIT à Strasbourg, le 30 novembre 1964 en français et en anglais, les deux textes faisant également foi, en un seul exemplaire qui sera déposé dans les archives du Conseil de l'Europe. Le Secrétaire Général du Conseil de l'Europe en communiquera copie certifiée conforme à chacun des Etats signataires et adhérents.

For the Government
of the Republic of Austria:

Pour le Gouvernement
de la République d'Autriche:

Strasbourg, le 11 décembre 1964

W. GREDLER

For the Government
of the Kingdom of Belgium:

Pour le Gouvernement
du Royaume de Belgique:

Strasbourg, le 22 décembre 1964

L. COUVREUR

For the Government
of the Republic of Cyprus:

Pour le Gouvernement
de la République de Chypre:

Strasbourg, 24th April 1967

SPYROS KYPRIANOU¹

¹ See p. 124 of this volume for the texts of the reservations and declarations made upon signature—Voir p. 124 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

For the Government
of the Kingdom of Denmark :

Pour le Gouvernement
du Royaume de Danemark :

Strasbourg, le 22 septembre 1966

MOGENS WARBERG

For the Government
of the French Republic :

Pour le Gouvernement
de la République française :

C. H. BONFILS

For the Government
of the Federal Republic
of Germany :

Pour le Gouvernement
de la République fédérale
d'Allemagne :

FELICIAN PRILL

For the Government
of the Icelandic Republic :

Pour le Gouvernement
de la République islandaise :

For the Government
of Ireland :

Pour le Gouvernement
d'Irlande :

For the Government
of the Italian Republic :

Pour le Gouvernement
de la République italienne :

Strasbourg, le 9 juin 1965

ALESSANDRO MARIENI¹

¹ See p. 124 of this volume for the texts of the reservations and declarations made upon signature — Voir p. 124 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

For the Government
of the Grand Duchy
of Luxembourg:

Pour le Gouvernement
du Grand-Duché
de Luxembourg:

JEAN WAGNER

For the Government
of the Kingdom
of the Netherlands:

Pour le Gouvernement
du Royaume des Pays-Bas:

Strasbourg, le 7 avril 1965

W. J. D. PHILIPSE

For the Government
of the Kingdom of Norway:

Pour le Gouvernement
du Royaume de Norvège:

For the Government
of the Kingdom of Sweden:

Pour le Gouvernement
du Royaume de Suède:

Strasbourg, le 23 mars 1972

ARNE FÄLTHEIM

For the Government
of the Swiss Confederation:

Pour le Gouvernement
de la Confédération suisse:

¹ See p. 124 of this volume for the texts of the reservations and declarations made upon signature.— Voir p. 124 du présent volume pour les textes des réserves et déclarations faites lors de la signature.

For the Government
of the Turkish Republic:

Pour le Gouvernement
de la République turque:

Strasbourg, le 13 septembre 1965

NIHAT DİNÇ¹

For the Government
of the United Kingdom of Great
Britain and Northern Ireland:

Pour le Gouvernement
du Royaume-Uni de Grande-
Bretagne et d'Irlande du Nord:

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.

RESERVATIONS AND DECLARATIONS MADE UPON SIGNATURE

CYPRUS

Declarations

1. In accordance with paragraph 4 of article 32 of the Convention, the Government of the Republic of Cyprus notifies that it undertakes in ratifying this Convention to introduce into its municipal law measures to implement the said Convention.

2. In accordance with paragraph 2 of article 19 of the Convention, the Government of the Republic of Cyprus declares that all requests and supporting documents should be accompanied by a translation into English—official language of the Council of Europe; this will continue for as long as the pertinent law No. 51 of 1965 of the Republic of Cyprus, providing for such and other relevant documents to be in English, is amended otherwise, whereupon a relevant new declaration will be made.

ITALY

[ITALIAN TEXT — TEXTE ITALIEN]

1) «Il Governo italiano, valendosi delle disposizioni previste dall'art. 32 e dal numero 1, lettera a) dell'allegato II, dichiara che l'Italia accetta il titolo III della Convenzione solo per quanto concerne le pene pecuniarie (*amendes*).

2) «Il Governo italiano, valendosi delle disposizioni previste dall'art. 32 e dal numero 2 dell'allegato II, dichiara che per ragioni di ordine costituzionale l'Italia si riserva di stabilire nella propria legislazione interna che saranno accolte soltanto richieste di procedimento il cui invio risulti obbligatoriamente disposto in base a criteri di qualsiasi specie, purchè di natura obiettiva, predeterminati dalla legislazione interna dello stato di infrazione.

«Il Governo italiano fa presente, inoltre, che l'Italia si riserva di stabilire nella propria legislazione interna che anche l'invio di richieste di procedimento italiane ad altri stati contraenti debba effettuarsi sulla base di criteri obiettivi, tassativamente previsti dalla legislazione stessa.

3) «Il Governo italiano, valendosi della facoltà prevista dall'art. 25, paragrafo 2, dichiara che intende escludere dall'applicazione della Convenzione, nei rapporti dell'Italia con le altre Parti contraenti, le seguenti infrazioni, comprese nel «Fondo comune» (Allegato I):

- a) guida di veicolo da parte di persona inidonea a seguito di fatica eccessiva (n. 3, lett. c);
- b) guida di veicolo a motore non coperto da assicurazione (n. 4);

RÉSERVES ET DÉCLARATIONS FAITES LORS DE LA SIGNATURE

CHYPRE

[TRADUCTION¹ — TRANSLATION²]

Déclarations

1. Conformément à l'article 32, paragraphe 4, de la Convention, le Gouvernement de la République de Chypre fait connaître qu'il s'engage à prendre dans l'ordre interne, lors de la ratification de la présente Convention, les mesures nécessaires à sa mise en œuvre.

2. Conformément à l'article 19, paragraphe 2, de la Convention, le Gouvernement de la République de Chypre déclare que toutes les demandes et pièces annexes qui lui seront adressées doivent être accompagnées d'une traduction en anglais, langue officielle du Conseil de l'Europe, sous réserve d'une modification éventuelle de la loi n° 51 de 1965 de la République de Chypre stipulant que de tels documents et autres pièces du dossier doivent être présentés en anglais, auquel cas une nouvelle déclaration sera faite.

ITALIE

¹ Traduction fournie par le Conseil de l'Europe.

² Translation supplied by the Council of Europe.

- c) reato di fuga (n. 2), limitatamente alle ipotesi in cui la fuga si sia verificata in seguito ad incidente stradale che abbia provocato solo danni alle cose e non alle persone;
- d) guida sotto l'influenza dell'alcool (n. 3, lettera a), limitatamente alle ipotesi in cui il conducente non versi in istato di ubriachezza;
- e) guida sotto l'influenza di sostanze stupefacenti o di prodotti aventi analoghi effetti (n. 3, lettera b), limitatamente alle ipotesi in cui il conducente non versi in istato di ebbrietà.

4) «Valendosi della disposizione dell'art. 19, paragrafo 2, della Convenzione, il Governo italiano dichiara di esigere che le domande di procedimento (*poursuite*), o di esecuzione che saranno inviate (*adressées*), nonché i documenti allegati (*pièces annexes*), quando non siano redatti in lingua italiana, vengano accompagnati da una traduzione in lingua francese.»

[TRANSLATION¹]

1) In pursuance of the provisions of article 32 and paragraph 1 (a) of annex II the Italian Government declares that Italy accepts section III of the Convention only in respect of pecuniary penalties (*fin*es).

2) In pursuance of the provisions of article 32 and paragraph 2 of annex II, the Italian Government declares that, for constitutional reasons, Italy reserves the right, in its own legislation, to authorise the acceptance of such requests for proceedings only as are required to be transmitted by virtue of the various criteria embodied in the national legislation of the State of the offence, provided that they are objective.

The Italian Government further declares that Italy reserves the right to require, in its own legislation, that the transmission by Italy of requests for proceedings to other Contracting Parties must conform to the objective criteria specifically embodied in Italian legislation.

3) In pursuance of the provisions of article 25, paragraph 2, the Italian Government declares that, in its relations with the other Contracting Parties, it intends to exclude from the sphere of application of the Convention the following offences listed in annex I (Common schedule of road traffic offences):

- (a) Driving a vehicle while unfit because of excessive fatigue (paragraph 3 (c));
- (b) Driving a motor-vehicle not covered by insurance (paragraph 4);

[TRADUCTION¹]

1) Le Gouvernement italien, faisant usage des dispositions prévues à l'article 32 ainsi qu'au n° 1, lettre a, de l'annexe II, déclare que l'Italie accepte le titre III de la Convention seulement pour les sanctions pécuniaires (*amendes*).

2) Le Gouvernement italien, faisant usage des dispositions prévues à l'article 32 ainsi qu'au n° 2 de l'annexe II, déclare que, pour des raisons d'ordre constitutionnel, l'Italie se réserve de prévoir dans sa législation interne, que seules seront accueillies les demandes de poursuites dont l'envoi résulte obligatoirement des critères de tout genre prévus par la législation interne de l'Etat d'infraction, pourvu qu'ils soient de nature objective.

En outre, le Gouvernement italien fait savoir que l'Italie se réserve également de prévoir dans sa législation interne que la transmission des demandes de poursuites italiennes à d'autres Parties contractantes devra s'effectuer en tenant compte de critères objectifs, formellement prévus par ladite législation.

3) Le Gouvernement italien, faisant usage de la faculté prévue à l'article 25, paragraphe 2, déclare qu'il entend exclure de l'application de la Convention dans ses rapports avec les autres Parties contractantes les infractions suivantes visées à l'annexe I (Fonds commun d'infractions routières):

- a) Conduite d'un véhicule par une personne inapte par suite d'une fatigue excessive (n° 3, lettre c);
- b) Conduite d'un véhicule à moteur non couvert par une assurance (n° 4);

¹ Translation supplied by the Council of Europe.

¹ Traduction fournie par le Conseil de l'Europe.

- (c) "Hit and run" driving (paragraph 2) in cases of failure to stop after a traffic accident resulting in material damage but not physical injury;
- (d) Driving a vehicle while under the influence of alcohol (paragraph 3 (a)), in cases where the driver is not found to be intoxicated;
- (e) Driving a vehicle while under the influence of drugs or other products having similar effects (paragraph 3 (b)) in cases where the driver is not found to be intoxicated.

4) In pursuance of the provisions of article 19, paragraph 2, of the Convention the Italian Government declares that all requests for the institution of proceedings addressed to it, and all documents relevant thereto, if not drafted in Italian, must be accompanied by a translation in French.

TURKEY

[TRANSLATION¹ — TRADUCTION²]

Reservation

The Turkish Government signs the present Convention with the condition that the road traffic offences listed below are added to the list of offences contained in annex I entitled "Common schedule of road traffic offences" which is an integral part of the European Convention on the Punishment of Road Traffic Offences:

- (a) leaving, throwing, tipping, planting or placing on the roadway anything liable to impede or stop traffic;
- (b) interfering with, putting out of order, destroying or moving traffic signals or signs;
- (c) driving without being in possession of the papers relating to the vehicle and the driver or refusing to produce such papers to a policeman (*représentant de l'autorité*) on request;
- (d) driving a vehicle in such manner as to cause damage to traffic;
- (e) sounding a horn unnecessarily or in such manner as to cause a disturbance.

- c) « Délit de fuite » (n° 2), limité aux seuls cas dans lesquels la fuite est consécutive à un accident de la circulation suivi de dégâts matériels et non corporels;
- d) Conduite d'un véhicule par une personne sous l'influence de l'alcool (n° 3, lettre a), limité aux cas dans lesquels le conducteur n'est pas reconnu en état d'ivresse;
- e) Conduite d'un véhicule par une personne sous l'influence des stupéfiants ou de produits ayant des effets analogues (n° 3, lettre b), limité aux cas dans lesquels le conducteur n'est pas reconnu en état d'ivresse;

4) Le Gouvernement italien, faisant usage des dispositions prévues à l'article 19, paragraphe 2, de la Convention, déclare exiger que les demandes de poursuite ou d'exécution qui lui seront adressées, ainsi que toutes les pièces annexes, lorsqu'elles ne seront pas rédigées en langue italienne, soient accompagnées d'une traduction en langue française.

TURQUIE

Réserve

« Le Gouvernement turc signe la présente Convention à condition que les infractions routières ci-dessous énumérées soient également incorporées aux infractions déjà mentionnées à l'annexe I ayant pour titre « Fonds commun d'infractions routières » (Common schedule of road traffic offences) et qui fait partie intégrante de la Convention européenne pour la répression des infractions routières:

- a) laisser, jeter, verser, planter, poser quelque chose sur la voie de circulation routière susceptible de rendre difficile le trafic ou de l'empêcher;
- b) déranger, perturber, démolir ou changer de place les installations et les panneaux de signalisation routière;
- c) ne pas se munir pendant la circulation des documents afférents au véhicule ainsi qu'au conducteur et refuser de les présenter au représentant de l'autorité en cas de demande;
- d) conduire un véhicule de manière à provoquer le danger pour le trafic;
- e) se servir des appareils sonores sans motif ou de manière à déranger le calme de l'entourage. »

¹ Translation supplied by the Council of Europe.

² Traduction fournie par le Conseil de l'Europe.

RESERVATIONS AND DECLARATIONS MADE UPON RATIFICATION OR ACCEPTANCE

RÉSERVES ET DÉCLARATIONS FAITES LORS DE LA RATIFICATION OU DE L'ACCEPTATION

DENMARK

[TRANSLATION¹—TRADUCTION²]

(1) The Danish Government, availing itself of the provisions of article 32 and of paragraph 1 (a) of annex II, declares that Denmark does not accept section III of the Convention.

(2) The Danish Government, availing itself of the provisions of article 32 and of paragraph 1 (b) of annex II, declares that Denmark does not accept the rule on limitation of time in article 6 of the Convention.

(3) Until further notice, the Convention shall not apply to Greenland (cf. article 31 (1)).

(4) The Convention shall not apply in the reciprocal relations between, on the one hand, Denmark and, on the other hand, Sweden, Norway, Finland and Iceland (cf. article 27 (2)).

(5) Requests and supporting documents shall be accompanied by a Danish or English translation (cf. article 19 (2)).

FRANCE

[TRANSLATION¹—TRADUCTION²]

Reservation

The Government of the French Republic confirms:

(a) that it is availing itself of the reservation provided for by article 32, paragraph 1 of the Convention and by annex II, allowing non-acceptance of the whole of section III (Enforcement in the State of residence),

(b) that, in exercise of the right conferred by article 25, paragraph 2 of the Convention, it is decided to exclude the offences listed in paragraph 4 and in paragraph 6, subparagraph (f), of annex I (*Common Schedule of Road Traffic Offences*) and to replace them by the following wording:

DANEMARK

«(1) Le Gouvernement danois, faisant usage des dispositions prévues à l'article 32, ainsi qu'au n° 1, lettre a, de l'annexe II, déclare que le Danemark n'accepte pas le titre III de la Convention.

«(2) Le Gouvernement danois, faisant usage des dispositions prévues à l'article 32, ainsi qu'au n° 1, lettre b, de l'annexe II, déclare que le Danemark n'accepte pas la règle de prescription de l'article 6 de la Convention.

«(3) Jusqu'à nouvel ordre, la Convention ne sera pas applicable au Groenland (cfr. l'article 31.1).

«(4) La Convention ne sera pas applicable dans les rapports réciproques entre, d'une part le Danemark et, d'autre part, la Suède, la Norvège, la Finlande et l'Islande (cfr. l'article 27.2).

«(5) Les demandes avec annexes afférentes seront accompagnées d'une traduction danoise ou anglaise (cfr. l'article 19.2).»

FRANCE

Réserve

Le Gouvernement de la République française confirme :

« a) Qu'il fait usage de la réserve prévue par l'article 32, paragraphe 1, de la Convention et par son annexe II, permettant de ne pas accepter l'ensemble du titre III (« Exécution dans l'Etat de résidence »),

« b) Que, conformément à la faculté prévue par l'article 25, paragraphe 2, de la Convention, il convient d'exclure les infractions visées au paragraphe 4 et au paragraphe 6, alinéa f, de l'annexe I (*Fonds commun d'infractions routières*) et de les remplacer par les libellés suivants :

¹ Translation supplied by the Council of Europe.

² Traduction fournie par le Conseil de l'Europe.

Para. 4: Failure to observe the provisions requiring compulsory third party insurance for the use of a motor vehicle.

Para. 6(f): Parking and halting of vehicles, in such cases only as it is felt that such parking or halting constitutes an actual danger to traffic.

SWEDEN

[TRANSLATION¹—TRADUCTION²]

Declarations

(1) In accordance with article 15 (4): Requests for proceedings shall be sent through the diplomatic channel. Supplementary communications may however be exchanged directly between the competent public departments.

(2) In accordance with article 19 (2): Requests for proceedings and supporting documents shall be drawn up in English or Swedish, or shall be accompanied by a translation into one of those languages.

(3) In accordance with article 27 (2): This Convention shall not apply to the relations between, on the one hand, Sweden and, on the other hand, Denmark, Finland, Iceland and Norway.

Reservation

... We have decided to ratify, approve and accept, subject to the reservation that Sweden does not accept Section III and article 6 ...

paragraphe 4: Inobservation des prescriptions instituant une obligation d'assurance de la responsabilité civile découlant de l'emploi des véhicules à moteur;

paragraphe 6, alinéa f: Le stationnement et l'arrêt des véhicules, dans le cas seulement où il est estimé que ce stationnement ou cet arrêt représente un danger véritable pour la circulation.»

SUÈDE

Déclarations

(1) En conformité avec l'article 15, paragraphe 4: La demande de poursuite sera transmise par la voie diplomatique. Les communications complémentaires pourront cependant être échangées directement entre les ministères publics compétents.

(2) En conformité avec l'article 19, paragraphe 2: La demande de poursuite ainsi que les pièces annexes seront formulées dans la langue anglaise ou suédoise, ou seront accompagnées d'une traduction dans l'une de ces langues.

(3) En conformité avec l'article 27, paragraphe 2: L'application de la présente Convention sera exclue des rapports entre la Suède d'une part et le Danemark, la Finlande, l'Islande et la Norvège d'autre part.

Réserve

... Nous avons voulu ratifier, approuver et accepter, sous réserve que le titre III et l'article 6 ne sont pas acceptés par la Suède ...

¹ Translation supplied by the Council of Europe.

² Traduction fournie par le Conseil de l'Europe.