

On the Road Again, Paying Fines You've Never Seen Before...

by Joerg Moddelmog

It's a familiar tune, but the words of Willie Nelson's song have been slightly altered to reflect that German traffic fines have been increased recently and a new European decision now makes traffic fines from other European Union (EU) countries enforceable in Germany, too.

From the Kaiserslautern Military Community you can easily reach the neighboring countries of France, Belgium, Luxembourg, and the Netherlands. There was a time when you might have been able to avoid paying a speeding ticket from those countries if you were not stopped on the spot and you had no intention of ever returning to that country. Those days are over.



On October 28, 2010, the European "Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties" came into force.

While the non-German tickets will have to be accompanied by a summarized translation in German (not English!) if enforcement is sought in Germany, any protest against such tickets must be filed abroad in the official language of the EU country that issued the ticket. Any objections relating to the facts of the underlying incident need to be raised when the ticket is issued and generally cannot be raised later on, at the enforcement stage.

However, you can submit objections against the enforcement process within two weeks after service of process, which will trigger an in-court review of the enforcement procedure (not of the underlying incident). Finally, the applicable statute of limitations of the EU country that issued the ticket will determine how long a non-German ticket can be enforced or whether the offense is time-barred.

It is therefore advisable and more important than ever to familiarize yourself with the applicable traffic rules in other EU countries, particularly since traffic fines in other EU countries are usually much higher than in Germany. Ask yourself questions like: Do I need to have my lights on during daylight hours (you do in Poland, Italy, Sweden, Finland, and Estonia)? Am I prohibited from entering the city center without prior registration (you are in parts of Italy and Great Britain)? Do I need a sticker to drive on the Autobahn (you do in the Czech Republic, Austria, and Switzerland)?

While it is no longer necessary to be in possession of a green insurance card [*"Grüne (Versicherungs-)Karte"*] when crossing borders within the EU, it is still recommended that you carry one with you as you may still need it if driving outside the EU. It can be obtained at no cost from your car insurance company.

Please keep in mind that despite the abolition of border controls due to the so-called Schengen Treaty, you are still required to carry a valid passport when crossing international borders. Furthermore, you need to have an international driver's license when driving in other countries as your "U.S. Forces Certificate of License," often incorrectly referred to as a "USAREUR driver's license," is **NOT** a driver's license but merely a certificate confirming that the holder is in possession of a valid stateside license, which is only sufficient for use in Germany based on Article 9 of the German Supplementary Agreement to the NATO SOFA. For more information on how to apply for an international driver's license, see page 2 of the Summer 2006 edition of the Kaiserslautern Legal Informer: <http://www.21tsc.army.mil/aerj/LegalAssist/News%20Letters/newsletter%20summer%202006%20final%20Aug%202006.pdf>