

Rapport nr. 2022-05-EN

Progressive sanctioning systems for traffic offenders, including demerit point systems

Part 2. In-depth analysis of sanctioning systems in 6 European countries



SERVICE PUBLIC FÉDÉRAL
MOBILITÉ ET TRANSPORTS

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Executive summary

Objectives and methodology

In order to assess possible approaches to improve the identification and sanctioning of repeat traffic offenders in Belgium, we benchmarked the current Belgian practices with six other European countries. The results of an earlier more limited benchmarking study on practices in Spain and France were also integrated in the present analysis.

For relatively severe offences, Belgium has recently adapted its legal framework in order to take repeat offences not belonging to the same category into account when sanctioning; this is an adequate system to deal with recidivism in the legal sense. For relatively light offences, Belgium does not have a similar system. Repeat offenders that only commit relatively light offences are rarely held accountable for their series of offences. The main objective of the benchmarking analysis was therefore to evaluate possible approaches for improving procedures for this category of drivers.

The present study has been preceded by a systematic review of the effect that could be expected of introducing a demerit point system according to the scientific literature (Silverans et al., 2018). The review showed that effects of demerit point systems on road crashes or behaviour of drivers could not be demonstrated beyond a period of about one year after introduction. The present study takes a different perspective to the topic of identifying and sanctioning repeat offenders. It focuses on the strengths and weaknesses of the current sanctioning process in Belgium in comparison with that of a selected number of European countries.

In the first phase of the current project, we used an international expert survey to compare current Belgian practice in terms of road safety performance, driver behaviour, social norms, police checks and sanctions for first and repeat offenders (Silverans et al., 2021). We concluded that Belgian road safety performance can be improved by optimizing the system for registration and follow-up of repeat offences. In order to achieve this, both systems in which the entire offender history is systematically taken into account in the sanctioning process as well as more formally developed demerit point systems can be considered. Assessing the pros and cons of such systems requires in-depth information on how they currently function in practice in other countries. The present report analyses the systems used in a selection of six countries. Both countries with a formal demerit point system (Portugal, The United Kingdom, Norway and Slovenia) as well as two countries where alternative approaches are used (Finland and Switzerland). In complement to that, the results of the earlier benchmark with Spain and France are also included in the analysis.

Information was gathered through structured written reports from experts of each country and through discussing the provided information in ad hoc roundtable discussions. To make the international comparisons as specific as possible, the international experts were also asked to evaluate 10 prototypical cases of repeat offences (mainly minor offences but also combinations of a history of minor offences and a major offence). This approach made it possible to gain insight in how the national system works and to what extent the sanctioning process in the countries considered differs from current Belgian practice. In parallel, we analyzed historical series of accident fatality statistics to evaluate whether trends in the countries considered show a specific impact of changes in the sanctioning procedures for repeat offenders (including the introduction of demerit point systems).

The report contains detailed descriptions of the procedures that are in place to identify and sanction repeat offenders in each of the countries considered. For each country, first a description of the general logic and functioning of the systems is given. In a second step, the characteristics of the different elements of the identification and sanctioning process are described; types of offences covered by the system; evaluation of accumulated offences including possible point calculation; sanctions and educational measures applied; forgivingness of the system including point recovery; procedures for license reinstatement; and, if available, information on specific target groups such as novice and professional drivers. For each country, the educational measures applied to both first and repeat offenders are also discussed (if applicable both within as outside the scope of a demerit point system (DPS)). Finally, we discuss how the national practices considered compare to the Belgian system to sanction repeat minor offences.

Country descriptions and comparisons with Belgium

Finland does not have a point system that adds or subtracts different numbers of points for infractions with different degrees of severity. Finland uses a simple system in which the number of offences (from a list of dangerous offences) is counted and tracked for a period of two years. Minor offences including speeding up to an excess speed of 9 km/h in built-up areas and not wearing a seat belt are not followed up and never lead

to consequences for licensing. Drink driving offences and traffic crimes are considered as severe offences and therefore not included in the "count system". The system includes mainly speeding offences, cell phone use and red-light offences. ... Any driver accumulating three or more offences in one year or four or more offences in two years automatically gets a driving ban. The length of the driving ban ranges from one to six months and depending on the severity of the offences involved. Fines depending on the offender's income are imposed for each individual offence. The system is administered and managed by the police. A striking difference with Belgium is the sanction severity for drink driving (e.g., drink driving with a BAC of 0.7 g/l), including mandatory license suspensions of 2 to 3 months for offences; in Belgium such an offence gets an administrative fine and is not registered for further follow-up. Speeding offences above 10 km/h excess speed and below 30 km/h are included in the count system and will lead to a licensing ban if repeated more than three times in a one-year period. The same goes for repeat cell phone use behind the wheel or any combination of these different types of offences.

Norway has implemented since 2004 a demerit point system functioning on the principle of accumulating two or three penalty points for 12 moderately severe offences. These penalty points are doubled for the novice drivers. When the threshold of eight points is reached, the driving license is immediately withdrawn for six months. There is a distinction between different categories of offences, namely light offences, moderately severe offences, serious offences, and road traffic crimes. Only moderately severe offences are included in the list of penalty points. Minor offences are dealt with fixed fees and not registered. Severe offences and crimes are treated with criminal procedures and are registered in the criminal record. Penalty points are registered for three years. After the three years or after the 6-month driving suspension (in case the limit of eight points has been reached), the points are reset to zero. In comparison to Belgium, the sanction severity for drink driving and speeding violation is a striking difference. First, with a BAC level of 0.2, the legal limit for DUI is stricter than in Belgium; in the event of impaired driving, the fine will be based on the gross monthly salary (e.g. 1.5 the gross salary if the BAC is above 0.8 g/l). Regarding speeding violations, in addition to the higher amounts to be paid (which are partially due to the higher standard of living in Norway than in Belgium), repeat speeding offenders are sanctioned more adequately since these repeat offences are included in the penalty point system and will lead to a licensing ban if repeated more than three or four times in a three-year period.

Switzerland implemented the so-called "cascade system" in 2005. This implies a progressively stricter minimum administrative sanction for each repeated offence based on the frequency, the number, and the gravity of the current and previous offences. The cascade system, and hence the sanctioning of repeat offenders, applies to offences that are dealt with in the criminal and in the administrative proceedings. In other words, all offences from light to severe are included in this system. For repeat offences the offender will be banned from driving for a duration between 1 month and 2 years, depending on the gravity and the frequency of the offences. The cascade system is to some extent comparable with the progressive sanction logic applied in Belgium for certain repeat offences and more precisely, to the length of the license withdrawal increasing with repeated offences. The Swiss Cascade system is more severe and comprehensive because it includes light to very serious offences, while in Belgium, only serious offences are concerned.

In **Portugal**, drivers get initially 12 points when they obtain their driving license. There is a distinction between different categories of offences, namely light offences, serious offences, very serious offences and road traffic crimes. For each major or very serious offence or road traffic crime, points are subtracted on the driving license. A driver who does not commit major or very serious offences or road traffic crimes, can get additional points on his license. Light offences, including speeding up to an excessive speed of 19 km/h in built-up areas and not wearing a seat belt, are not included in Portugal's demerit point system. The DPS system that was introduced in 2016 is similar to the previous system, except that the consequences of serious offences are the same for every driver. Next, it appears to be more effective, because offenders feel the pressure of the subtraction of points on their driving license. As in Belgium, minor offences (e.g., speeding up to 19 km/h in built-up areas and 29 km/h outside built-up areas) aren't included in the definition of recidivism and also not in the DPS.

The **UK** has a penalty points system with a maximum 12 points. Each infraction has a specific endorsement code that is registered on the individual's unique drivers record which is stored in a central database named The Driver Validation Service (DVS). This database can rather easily be consulted and fed into. Each endorsement has allocated demerit points, as well as monetary fines, some fixed, some variable. Demerit points remain on the drivers record for 3 years; the endorsements remain longer on the driver's record. When the 12-point limit is reached, the driver faces a 6-month driving ban, imposed by Magistrates court decision. Compared to Belgium the UK system seems rather stringent. Even what in Belgium would be seen as a 'minor speed' offence and would not be registered, is in the UK registered on the individual's unique drivers record

and is subject to a 3-point allocation. Four similar infractions in a 3-year period would result in a 6-month driving ban, which can be seen as an adequate treatment of repeat offending. Similarly, in the UK all infractions for DUI are registered in the central database and result at least in point allocation and monetary fines. By registering and by consistent point allocation, a follow up of repeat offending is guaranteed.

In **Slovenia**, a maximum of 18-points can be given to an offender on his driving license. Distinction is made between the minor offences (sanctioned with a fine), the moderately severe offences and the serious offences (sanctioned with a fines and penalty points, from 1-point to 18-points). In case of serious offences (18-points or crimes), the offender is directly reported to court and the license is administratively revoked for three weeks. Conditions to keep the driving license depend on following a rehabilitation program (for DUI) or driving training (for speeding). When the 18-points threshold is reached, the offender will be revoked (administratively) from driving for a minimum of 6 months. To regain the driving license, the theoretical and the practical test need to be passed again. Compared to Belgium, minor speeding offences (less than 10 km/h) are even less sanctioned in Slovenia and are not included in the DPS. Other speeding offences are included in the DPS and "serious" speeding offences are charged with 18-points. Which means that they will automatically be sanctioned by a court with a license withdrawal (and educational measures as conditions). DUI infractions with a BAC of 1.1 g/l will automatically be charged with 18-points and then reported to the court. Unlike Belgium, the DUI offender will have to follow a medical exam before being redirected to a rehabilitation program or the medical system (in case of addiction). Regarding the use of the phone behind the wheel, this infraction is more severely sanctioned with a fine and penalty points. Failure in using the seat belt or a CRS is similarly sanctioned in Belgium and Slovenia.

Case scenario-based comparisons and historical fatalities series

Based on the comparisons of the procedures for the case scenarios, we conclude that the sanction severity regarding relative 'minor' offences is low in Belgium. This is particularly the case for drink-driving offences. Driving three times in 2 years with a BAC of 0.7 g/l isn't registered in Belgium as a repeat offence. Whereas, in all the other investigated countries, these offences are seen as a repeat offence. In Switzerland, a first drink-driving offence with a BAC of 0.7 g/l is even immediately reported to court. The procedure is equivalent in the UK, where all BAC levels above the legal threshold of 0.8 g/l are also always referred to court.

For minor speeding offences, the sanction severity in some countries, such as Portugal and Switzerland, is comparable to that in Belgium. Other countries considered, in particular the UK are very strict in sanctioning minor speeding offences. In the UK, driving just 1 km/h above the speed limit leads to the collection of points on the driver license. Two times driving 1 km/h above the speed limit, is seen as a repeat offence.

In all the countries with a demerit point system, distraction offences, such as the use of a mobile phone behind the wheel, are part of the system and counted as repeat offences. Thus, the sanction severity for distraction behind the wheel is low in Belgium compared to many other countries. For driving without a seatbelt, the sanction severity in Belgium is similar to that in most other countries. This offense is not included in the demerit point system in some countries but is included in the DPS systems of the UK, Spain and France.

No clear conclusions can be drawn from our analyses of trends in fatal road crashes. Several additional factors (such as enforcement strategies, awareness campaigns, etc.) need to be considered in order to interpret the evolution of the performance of countries with and without point-based licensing. The mortality indicator alone does not allow us to determine whether countries with or without demerit point system are better performing, or whether the demerit point system increased road safety performance in a significant way. For example, Norway, which only introduced the demerit point system in 2004, already had a very good performance long before. As was Switzerland, which did not introduce a demerit point system.

Comparison of the sanctioning of repeat minor offences

Most countries sanction excess **speeding** more severely and include repeat offences at a lower infraction level than in Belgium. There is a lot of variation in the type of speeding offences that are included in the different systems for identifying and sanctioning repeat offenders. For instance, although the DPS systems in Spain and France are quite similar, in France excess speeds of 1 km/h are sanctioned with one point while in Spain only excess speeds above 20 km/h excess speed are included in the system. When appropriately weighed according to offence severity (like in France where light speeding is only sanctioned with one point on a total of 12), we recommend that all speeding offences are included in the system for dealing with repeat offences.

The most striking differences in sanctioning repeat **drink driving** offences between the in-depth analyzed countries and Belgium concerns relatively small drink driving infractions (corresponding to intoxication levels between 0.5 and 0.8 g/l). In Belgium these infractions are in principle only sanctioned with an immediate fine,

without further follow-up by the legal system. In practice drivers can accumulate an infinite number of such offences. In all the other countries, repeat minor drink driving offences will lead to automatic license suspension after two or three occurrences. It could be argued that the current Belgian practice reflects a tolerant social norm with regard to drink driving. To alter and improve social disapproval of drink driving it should be considered to include these types of "minor" offences in a system for identifying and sanctioning repeat offenders.

In Belgium, not wearing a **seatbelt** almost never has any consequences apart from monetary fines. This is also the case in Finland, Switzerland, Portugal, Slovenia and Norway. In the UK, France and Spain, not wearing a seatbelt is sanctioned with the loss of demerit points and will ultimately lead to license withdrawal and associated measures if repeated several times or when combined with a track record of other offences included in the demerit point system. The reasons for excluding not wearing a seatbelt from the system remain unclear. Since not wearing a seatbelt remain an important risk factor in traffic (and in practice is correlated with the frequency of other offences) seatbelt wearing should be included in a system for identifying and sanctioning repeat offences, even for so called minor offences.

Although **handheld phone use** can be prosecuted in court (where more harsh sanctions and even license withdrawal might be imposed), the large majority of the offences are only sanctioned with an immediate fine. In this respect current Belgian practice deviates strongly from most of the other countries studied, where handheld phone use is systematically included in the sanctioning system and will ultimately lead to license suspension and associated measures in case of repeat offences (possibly in combination with other types of offences).

Discussion and conclusion

The analysis shows that Belgium is lagging behind on most countries in assuring a follow-up for accumulation of relatively 'minor' traffic offences. Relatively minor speeding infractions, intoxication levels between 0.5 and 0.8 g/l, handheld cellphone use and not wearing a seatbelt are mostly sanctioned with fines only. This allows drivers to accumulate as many of these types of offences over time "as much as their wallet allows". This contrasts with demerit point systems and other systems applied in other countries, where a threshold is set on the number of these types of offences incurred during a certain period. Because of the obvious safety risk, it is unacceptable that some drivers are able to continue to accumulate these types of risks in traffic without ever being held accountable.

The most frequently applied way to manage this process is a fully automated administrative system that functions in parallel to the existing legal procedures. Automating the evaluation requires an algorithm to take both the number of offences and the severity of the offences into account. It also requires integrating all possible forms of at-risk behaviour according to accident risk into the system. In practice this comes down to applying a form of demerit point system. The analysis of international practices shows that the identification and sanctioning of repeat offenders in Belgium could be improved by applying a well-designed automated administrative system. Automated systems allow to identify unacceptable levels of repeat minor offences automatically, can be communicated transparently to the population, offer preventive possibilities through informing drivers consequently on their track record and allow to automate decisions on the type of sanctions and rehabilitation measures (driver improvement, fitness-to-drive evaluations, ...) that are coupled to certain levels of repeat offences. On the other hand, automated systems do not take the circumstances of the offences and the personal situation of the offender into account in the sanctioning process. Such a qualitative evaluation of repeat minor offences would require extending the systematic follow up of repeat offences also to relatively minor offences in the legal court system. Either way, the systematic registration of all offences in a central database is a precondition.

Managementsamenvatting - Progressieve sanctiesystemen voor verkeersover-treders, met inbegrip van puntensystemen - Deel 2. Diepte-analyse van de sanctiesystemen in 6 Eu-ropese landen

Doelstellingen en methodiek

We hebben de huidige praktijken in België vergeleken met die in 6 andere Europese landen, met de bedoeling om mogelijke benaderingen te beoordelen ter verbetering van de identificatie en bestraffing van recidiverende verkeersover-treders in ons land. De resultaten van een eerdere, kleinere benchmarkingstudie in Spanje en Frankrijk werden ook in de analyse geïntegreerd.

Voor relatief ernstige overtredingen heeft België recent het wettelijke kader aangepast om bij de bestraffing ook rekening te houden met herhaalde overtredingen die niet tot dezelfde categorie behoren. Dit is een adequaat systeem om met recidivisme in de wettelijke zin om te gaan. Voor eerder lichte overtredingen heeft België geen dergelijk systeem. Recidiverende over-treders die slechts relatief lichte overtredingen begaan worden zelden voor die reeks van overtredingen ter verantwoording geroepen. De belangrijkste doelstelling van deze vergelijkende analyse was dan ook om mogelijke benaderingen te bekijken om de procedures voor deze categorie van bestuurdersbestuurder te verbeteren.

Deze studie werd voorafgegaan door een systematische review van het effect dat verwacht kan worden van de invoering van een strafpuntensysteem volgens de wetenschappelijke literatuur (Silverans et al., 2018). Uit die review bleek dat geen blijvend effect van strafpuntensystemen kon worden aangetoond op de verkeersongevallen of het gedrag van bestuurders, dat langer aanhoudt dan een periode van ongeveer een jaar na de invoering. Het huidige onderzoek bekijkt het identificeren en bestraffen van recidiverende over-treders vanuit een ander perspectief. Het focust op de sterke en zwakke punten van het huidige sanctiesysteem in België, vergeleken met dat van een selectie van andere Europese landen.

In de eerste fase van het huidige project, hebben we gebruik gemaakt van een internationale rondvraag bij expertisen om de huidige Belgische praktijk internationaal te vergelijken inzake verkeersveiligheid, gedrag in het verkeer, sociale normen, politiecontroles en sancties voor eerste en recidiverende over-treders (Silverans et al., 2021). We concludeerden dat België op het vlak van verkeersveiligheid nog vooruitgang kan boeken door het systeem voor de registratie en opvolging van terugkerende overtredingen te optimaliseren. Om daartoe te komen kunnen zowel systemen worden overwogen waarbij de hele sanctiehistoriek systematisch in rekening wordt genomen als meer formeel ontwikkelde strafpuntensystemen. Het beoordelen van de voor- en nadelen van dergelijke systemen vereist een grondige informatie over hoe deze momenteel in hun werk gaan in de praktijk in andere landen. Dit rapport analyseert de systemen die gebruikt worden in zes geselecteerde landen. Het gaat zowel om landen met een formeel strafpuntensysteem (Portugal, het Verenigd Koninkrijk, Noorwegen en Slovenië) als om twee landen die een alternatieve aanpak hanteren (Finland en Zwitserland). Daarnaast worden in de analyse ook de resultaten opgenomen van een eerder benchmarkonderzoek in Spanje en Frankrijk.

De informatie werd ingezameld via gestructureerde schriftelijke rapporten van experts uit elk van de landen en door bespreking van de verkregen informatie in ad-hoc rondetafelgesprekken. Om de internationale vergelijkingen zo specifiek mogelijk te maken kregen de internationale experts de vraag om 10 prototypische gevallen van herhaalde overtredingen (hoofdzakelijk lichte overtredingen maar ook combinaties van een voorgeschiedenis van kleine overtredingen en een zware overtreding). Op die manier werd het mogelijk om inzicht te verkrijgen in hoe het nationale systeem werkt en in welke mate het sanctieproces in de betreffende landen afwijkt van de huidige praktijk in België. Parallel daarmee analyseerden we een historische reeks van statistieken over ongevallen met fatale afloop om na te gaan of tendensen in de betrokken landen een specifieke impact laten zien van de procedures voor het sanctioneren van recidiverende over-treders (met inbegrip van de invoering van een strafpuntensysteem).

Dit rapport bevat gedetailleerde beschrijvingen van de in elk van de onderzochte landen toegepaste procedures om recidiverende over-treders te identificeren en te sanctioneren. We geven voor elk land om te beginnen de

algemene logica en werking van de systemen. In een tweede stap werden de kenmerken beschreven van de verschillende elementen in het identificatie- en sanctioneringssysteem, de soorten van overtredingen die onder het systeem vallen, de beoordeling van de geaccumuleerde overtredingen, met inbegrip van de mogelijke puntenberekening, sancties en de toegepaste educatieve maatregelen, de vergevingsgezindheid van het systeem, met inbegrip van het terugverdienen van de punten, procedures voor het terugkrijgen van het rijbewijs, en, indien beschikbaar, informatie over specifieke doelgroepen, zoals beginnende en professionele bestuurders. Voor elk land bespreken we ook de educatieve maatregelen die worden toegepast voor eerste en recidiverende overtreders (desgevallend zowel binnen als buiten het toepassingsgebied van het strafpuntensysteem (DPS)). Tot slot bekijken we in welke opzichten de nationale praktijken van de onderzochte landen verschillen van hoe België herhaaldelijke kleine overtredingen bestraft.

Beschrijving van de betrokken landen en vergelijking met België

Finland heeft geen systeem dat uiteenlopende aantallen punten bijtelt of aftrekt voor overtredingen met een verschillende graad van ernst. Finland hanteert een eenvoudig systeem waarbij het aantal overtredingen (uit een lijst van gevaarlijke overtredingen) gedurende een periode van twee jaar geteld en opgevolgd wordt. Er wordt geen gevolg gegeven aan kleine overtredingen, waaronder bijvoorbeeld snelheidsovertredingen met niet meer dan 9 km/u in de bebouwde kom en het niet-dragen van de veiligheidsgordel. Deze overtredingen hebben ook geen gevolgen voor het rijbewijs. Overtredingen tegen de alcohollimiet en verkeersdelicten worden als zware overtredingen beschouwd en zijn daarom niet opgenomen in het 'telsysteem'. Het systeem telt vooral snelheidsovertredingen, het gebruik van de gsm en het niet-respecteren van de verkeerslichten. Elke bestuurder die drie of meer overtredingen opstapelt in een tijdspanne van één jaar of die vier of meer overtredingen begaat in twee jaar krijgt automatisch een rijverbod. Dat duurt één tot zes maanden, afhankelijk van de ernst van de overtredingen in kwestie. Voor elke afzonderlijke overtreding wordt een boete opgelegd waarvan het bedrag afhangt van het inkomen van de overtreder. Het systeem wordt uitgevoerd en beheerd door de politie. Een groot verschil met België zijn de zware sancties voor rijden en drinken (bv. rijden met een bloedalcoholgehalte of BAC van 0,7 g/l), zoals het verplicht intrekken van het rijbewijs voor 2 tot 3 maanden, terwijl een dergelijke overtreding in België een administratieve boete oplevert en niet geregistreerd wordt voor verdere opvolging. Snelheidsovertredingen tussen 10 en 30 km/u boven de toegelaten limiet worden opgenomen in het telsysteem en leiden tot intrekking van het rijbewijs, wanneer er drie van worden begaan op een periode van een jaar. Hetzelfde geldt voor herhaald gebruik van de gsm achter het stuur en voor alle combinaties van deze verschillende types overtredingen.

Noorwegen heeft sinds 2004 een strafpuntensysteem geïmplementeerd dat werkt volgens het principe van twee of drie strafpunten voor 12 middelzware overtredingen. Voor beginnende bestuurders worden die strafpunten verdubbeld. Als de drempel van acht punten bereikt is wordt het rijbewijs onmiddellijk ingetrokken voor zes maanden. Er wordt een onderscheid gemaakt tussen verschillende categorieën van overtredingen, namelijk lichte, matige en ernstige overtredingen en verkeersdelicten. Alleen de middelzware overtredingen worden opgenomen in de lijst voor de strafpunten. Lichte overtredingen worden afgehandeld met een vast bedrag, zonder registratie. Op zware overtredingen en delicten volgt een strafrechtelijke procedure en opname in het strafregister. Strafpunten blijven gedurende drie jaar geregistreerd. Na die drie jaar of na de zes maanden rijverbod (indien de grens van acht punten bereikt was), komt de puntenstand weer op nul. De ernst van de sancties voor te snel en voor dronken rijden staat in sterk contrast tot de situatie in België. De limiet van 0,2 bloedalcoholgehalte voor rijden onder invloed is strenger dan in België. Bij rijden onder invloed wordt de boete gebaseerd op het brutomaandloon (i.c. 1,5 keer het brutosalaris als de BAC meer dan 0,8 g/l bedraagt). Wat de snelheidsovertredingen betreft zijn de boetebedragen om te beginnen hoger, wat ook te maken heeft met de hogere levensstandaard in Noorwegen dan in België. Herhaalde snelheidsovertredingen worden ook meer adequaat bestraft aangezien ze in het strafpuntensysteem worden opgenomen. Doen ze zich meer dan drie of vier keer voor in een periode van drie jaar, dan leiden ze tot een rijverbod.

Zwitserland implementeerde in 2005 het zogeheten 'cascadesysteem'. Dat impliceert een geleidelijk strengere minimale administratieve sanctie voor elke herhaalde overtreding, gebaseerd op de frequentie, het aantal en de ernst van de huidige en voorgaande overtredingen. Het cascadesysteem, en bijgevolg het bestraffen van recidiverende overtreders, geldt voor overtredingen die afgehandeld worden in de strafrechtelijke en in de administratieve procedure. Alle overtredingen van licht tot ernstig worden met andere woorden mee in het systeem opgenomen. Voor herhaalde overtredingen zal de overtreder een rijverbod krijgen voor een periode van een maand tot 2 jaar, afhankelijk van de ernst en de frequentie van de overtredingen. Het cascadesysteem is tot op zekere hoogte vergelijkbaar met de progressieve bestraffingslogica die in België wordt toegepast voor bepaalde herhaalde overtredingen en meer bepaald voor de duur van het rijverbod, die toeneemt met het aantal herhaalde overtredingen. Het Zwitserse

cascaadesysteem is strenger en ruimer omdat het naast ernstige ook lichte overtredingen omvat. In België daarentegen geldt de recidiveregeling alleen voor ernstige overtredingen.

In **Portugal** krijgen bestuurdersbestuurder die net hun rijbewijs behaalden initieel 12 punten. Er bestaat een onderscheid tussen verschillende categorieën van overtredingen, gaande van licht, ernstig, zeer ernstig, tot verkeersdelicten. Voor elk van de drie laatste categorieën worden punten van het rijbewijs afgetrokken. Bestuurders die geen ernstige of zeer ernstige overtredingen of verkeersdelicten begaan kunnen bijkomende punten op hun rijbewijs krijgen. Lichte overtredingen, waaronder tot 19 km/u te snel rijden in de bebouwde kom en het niet dragen van de veiligheidsgordel vallen in Portugal niet onder het strafpuntensysteem. Het in 2016 ingevoerde puntensysteem is vergelijkbaar met het vroegere systeem, behalve dat de gevolgen van ernstige overtredingen voor iedere bestuurder dezelfde zijn. Daarnaast blijkt het ook efficiënter omdat de overtredders de druk voelen van het slinkende aantal punten op hun rijbewijs. Zoals in België vallen kleine overtredingen (bijv. tot 19 km/u te snel rijden in de bebouwde kom en tot 29 km/u erbuiten) buiten de criteria voor recidivisme, waardoor ze niet in het puntensysteem zijn opgenomen.

Het Verenigd Koninkrijk heeft een strafpuntensysteem met een maximum van 12 punten. Elke inbreuk heeft een specifieke code waarmee ze ingeschreven wordt in het individuele dossier dat over iedere bestuurder zit opgeslagen in een centrale gegevensbank (de 'Driver Validation Service'). Die database is vrij vlot toegankelijk en aan te vullen. Bij elke notering horen strafpunten en financiële boetes met vaste of variabele bedragen. De strafpunten blijven gedurende 3 jaar in het dossier van de bestuurder, de noteringen nog langer. Wanneer de limiet van 12 punten bereikt is, krijgt de bestuurder een rijverbod van 6 maanden, opgelegd door een gerechtelijke beslissing. In vergelijking met België lijkt het systeem in het VK eerder streng. Ook wat België als een 'kleine' snelheidsovertreding ziet en niet registreert komt in het VK in het individuele dossier van de overtredder en wordt bestraft met 3 punten. Vier gelijkaardige inbreuken in een periode van 3 jaar resulteren in een rijverbod van 6 maanden, wat als een adequate aanpak van recidivisme kan beschouwd worden. Op dezelfde manier worden alle inbreuken op niet rijden onder invloed in de centrale gegevensbank geregistreerd en minstens gesanctioneerd met strafpunten en een geldboete. De registratie en het consistent toekennen van punten garanderen een follow-up van herhaalde overtredingen.

In **Slovenië** kunnen overtredders een maximum van 18 punten op hun rijbewijs krijgen. Er wordt een onderscheid gemaakt tussen kleine overtredingen (bestraft met een boete), middelzware overtredingen en zware overtredingen (bestraft met boeten en strafpunten, van 1 tot 18 punten). Bij ernstige overtredingen (18 punten of verkeersdelicten), komt de overtredder meteen voor de rechtbank en wordt het rijbewijs gedurende drie weken administratief ingetrokken. De voorwaarden om het rijbewijs te behouden hangen af van het volgen van een rehabilitatieprogramma (bij ROI) of rijopleiding (bij te snel rijden). Zodra de limiet van 18 punten bereikt is krijgt de overtredder een (administratief) rijverbod van minimaal 6 maanden. Om dan het rijbewijs terug te krijgen moeten het theoretisch en het praktisch rijexamen opnieuw afgelegd worden. Vergeleken met België, worden kleine snelheidsovertredingen (minder dan 10 km/u boven de limiet) in Slovenië minder zwaar bestraft en zijn ze ook niet opgenomen in het DPS. Andere snelheidsovertredingen zitten wel in het DPS en zware snelheidsovertredingen 'kosten' 18 punten. Dat houdt in dat ze automatisch voor de rechtbank bestraft worden met de intrekking van het rijbewijs (en educatieve maatregelen als voorwaarde). Inbreuken voor ROI worden anders aangepakt, aangezien overtredders met een BAC van 1,1 g/l of meer krijgen automatisch 18 punten en moeten voor het gerecht komen. Anders dan in België zal de overtredder voor ROI een medisch onderzoek moeten ondergaan alvorens naar een rehabilitatieprogramma of (in geval van verslaving) naar het medisch systeem te worden gestuurd. Ook het gebruik van de telefoon achter het stuur wordt strenger bestraft, met een boete en strafpunten. Niet gebruiken van de gordel of een kinderzitje wordt in België en Slovenië op een vergelijkbare manier bestraft.

Op casescenario's gebaseerde vergelijkingen en historische reeksen cijfers over dodelijke ongevallen

Op basis van de vergelijkingen van de afhandeling van verschillende casescenario's concluderen we dat de zwaarte van de sanctie voor relatief 'kleine' overtredingen in België laag is. Dit is in het bijzonder het geval voor overtredingen van de toegelaten alcohollimiet. Drie keer op 2 jaar tijd betrappt worden op rijden met een BAC van 0,7 g/l wordt in België niet geregistreerd als herhaalde overtreding, terwijl dat in alle andere onderzochte landen wel het geval is. In Zwitserland verschijnt iemand die rijdt met een BAC van 0,7 g/l bij de eerste keer al meteen voor de rechter. De procedure is gelijk aan die in het VK, waar elk BAC-niveau boven de wettelijke drempel van 0,8 g/l altijd voor de rechtbank komt.

Voor kleinere snelheidsovertredingen gelden in bepaalde landen, zoals Portugal en Zwitserland, vergelijkbare straffen als in België. Andere onderzochte landen, en in het bijzonder het VK, zijn zeer strikt in het bestraffen van kleine snelheidsovertredingen. Wie in het VK ook maar 1 km/u sneller rijdt dan toegestaan krijgt al punten op zijn rijbewijs. Twee keer 1 km/u te snel rijden wordt beschouwd als een herhaalde overtreding.

In alle landen met een strafpuntensysteem zitten overtredingen door afleiding, zoals het gebruik van een mobiele telefoon aan het stuur in het systeem en worden ze meegeteld als herhaalde overtredingen. De sancties in België voor afleiding achter het stuur kunnen dus als licht bestempeld worden. Voor rijden zonder veiligheidsgordel gelden in België dezelfde straffen als in de meeste andere landen. De overtreding zit wel niet overal in het strafpuntensysteem, maar bij de DPS-systemen van het VK, Spanje en Frankrijk is dat wel het geval.

We kunnen uit onze analyse van de tendensen in de evolutie van fatale verkeersongevallen geen duidelijke conclusies trekken. Om de evolutie van de prestaties van landen met en zonder puntenrijbewijs te kunnen interpreteren moeten verscheidene bijkomende factoren (zoals handhavingsstrategieën, bewustmakingscampagnes ...) mee in rekening genomen worden. Mortaliteit als enige indicator stelt ons niet in staat om uit te maken of landen met of zonder strafpuntensysteem beter presteren, laat staan welk strafpuntensysteem de verkeersveiligheid mogelijk significant verbetert. Noorwegen, dat het strafpuntensysteem pas in 2004 heeft ingevoerd, presteerde lang daarvoor bijvoorbeeld ook al bijzonder goed. Net als Zwitserland overigens, dat geen strafpuntensysteem heeft ingevoerd.

Vergelijking van de bestraffing van herhaaldelijke kleine overtredingen

De meest landen sanctioneren **snelheidsovertredingen** zwaarder dan in België en rekenen ze ook sneller tot herhaalde overtredingen. Er zijn grote verschillen tussen de snelheidsovertredingen die opgenomen zitten in de verschillende systemen voor het identificeren en sanctioneren van recidiverende overtreeders. Zo zijn de DPS-systemen van Spanje en Frankrijk bijvoorbeeld zeer gelijkaardig, maar in Frankrijk wordt een overtreding van 1 km/u al met een punt bestraft terwijl het systeem in Spanje alleen rekening houdt met overtredingen vanaf 20 km/u boven de limiet. Indien gepast gewogen naar de ernst van de overtreding, zoals in Frankrijk waar kleine overschrijdingen van de snelheidslimiet slechts gesanctioneerd worden met een punt op een totaal van 12, raden we aan om alle snelheidsovertredingen op te nemen in het systeem om herhaalde overtredingen tegen te gaan.

De opvallendste verschillen bij het sanctioneren van herhaalde **dronkenschap achter het stuur** tussen de onderzochte landen en België hebben betrekking op relatief kleine overtredingen (intoxicatieniveaus tussen 0,5 en 0,8 g/l). In België worden dergelijke inbreuken in principe alleen bestraft met een onmiddellijke boete, zonder verdere opvolging in het rechtsstelsel. In de praktijk kunnen bestuurders een oneindig aantal van dergelijke overtredingen opstapelen. In alle andere landen zal herhaaldelijk rijden met iets te veel alcohol op na twee of drie keer automatisch leiden tot schorsing van het rijbewijs. Er kan voor geargumenteed worden dat de huidige praktijk in België een tolerante sociale norm verraadt wat rijden onder invloed betreft. Om daar iets aan te veranderen en dronken rijden sociaal afkeurenswaardig te maken kan men eraan denken om dit soort van 'kleine' overtredingen op te nemen in een systeem voor het identificeren en sanctioneren van recidiverende overtreeders.

In België heeft het niet-dragen van de **veiligheidsgordel** bijna nooit andere consequenties dan een geldboete. Dat is ook zo in Finland, Zwitserland, Portugal, Slovenië en Noorwegen. In het VK, Frankrijk en Spanje gaat dit type overtreding gepaard met puntenverlies en uiteindelijk met het intrekken van het rijbewijs en andere bijbehorende maatregelen, indien ze herhaaldelijk begaan wordt, of in combinatie met een historiek van andere overtredingen uit het strafpuntensysteem. De redenen om het niet dragen van de gordel niet in het systeem op te nemen blijven onduidelijk. Aangezien niet dragen van de gordel een belangrijke risicofactor in het verkeer blijft (en in de praktijk correleert met de frequentie van andere overtredingen) zou het opgenomen moeten zijn in een systeem voor het identificeren en sanctioneren van herhaalde overtredingen, zelfs de zogeheten kleine overtredingen.

Hoewel het **niet-handenvrij gebruik van de gsm** voor de rechtbank gebracht kan worden (waar zwaardere straffen en zelfs intrekking van het rijbewijs uitgesproken kunnen worden), volgt op de grote meerderheid van de overtredingen alleen een boete. Wat dit betreft wijkt de huidige Belgische praktijk sterk af van de meeste andere onderzochte landen, waar telefoneren met een telefoon in de hand systematisch in het sanctiesysteem is opgenomen en bij recidive (mogelijk in combinatie met andere soorten van overtredingen) uiteindelijk zal leiden tot intrekking van het rijbewijs en bijbehorende maatregelen.

Discussie en conclusie

De analyse toont dat België achterblijft bij de meeste landen, wat betreft de bestraffing voor het opstapelen van relatief 'kleine' verkeersovertredingen. Relatief bescheiden snelheidsovertredingen, intoxicatieniveaus tussen 0,5 en 0,8 g/l, gsm-gebruik achter het stuur en niet dragen van de gordel worden meestal alleen met een boete bestraft. Op die manier kunnen bestuurders over de jaren zoveel van dergelijke overtredingen begaan 'als hun portefeuille aankan'. Dit contrasteert met de strafpunten- en andere systemen die in andere landen bestaan, waar een limiet staat op het aantal van dergelijke overtredingen dat men gedurende een bepaalde periode mag begaan. Vanwege het duidelijke veiligheidsrisico is het onaanvaardbaar dat bepaalde bestuurders dit soort van risico's in het verkeer kunnen blijven opstapelen, zonder daar ooit aansprakelijk voor gesteld te worden.

De vaakst voorkomende manier om hiermee om te gaan is een volautomatisch administratief systeem dat parallel aan de bestaande wettelijke procedures functioneert. Het automatiseren van de beoordeling veronderstelt een algoritme dat zowel rekening houdt met het aantal overtredingen als met de ernst ervan. Het vereist ook dat alle mogelijke vormen van risicogedrag proportioneel aan het ongevalsrisico in het systeem zijn opgenomen. In de praktijk komt dit neer op het toepassen van een vorm van strafpuntensysteem. De analyse van de internationale praktijken toont aan dat het identificeren en sanctioneren van recidiverende overtreders in België kan verbeterd worden door het toepassen van een goed ontworpen geautomatiseerd administratief systeem. Geautomatiseerde administratieve systemen kunnen onaanvaardbare aantallen herhaalde kleine overtredingen automatisch opsporen, er kan transparant over gecommuniceerd worden met de bevolking, ze bieden preventieve mogelijkheden om bestuurders consequent te informeren over hun puntenstand en laten automatische beslissingen toe over het type van sanctie en de rehabilitatiemaatregelen die gepaard gaan met bepaalde aantallen overtredingen (bijkomende verkeersopleidingen, beoordeling van de rijgeschiktheid, ...). Anderzijds houden geautomatiseerde systemen voor het sanctioneringsproces geen rekening met de omstandigheden van de overtredingen en de persoonlijke situatie van de overtreder. Een dergelijke kwalitatieve beoordeling van herhaaldelijke kleine overtredingen zou veronderstellen dat het systematisch vervolgen van herhaalde overtredingen voor de rechtbank uitgebreid wordt tot die relatief kleine overtredingen. Hoe dan ook is het systematisch registreren van alle overtredingen in een centrale database een noodzakelijke voorwaarde.

Résumé exécutif - Systèmes de sanctions progressives pour les récidivistes en matière de roulage, y compris les systèmes à points - Partie 2.

Analyse approfondie des systèmes de sanctions de 6 pays européens

Objectifs et méthodologie

Afin d'évaluer les approches possibles en vue d'améliorer l'identification et la sanction des récidivistes en matière de roulage en Belgique, nous avons comparé les pratiques belges actuelles et celles de six autres pays européens. Les résultats d'une étude comparative antérieure plus restreinte sur les pratiques en Espagne et en France ont également été intégrés dans la présente analyse.

Pour les infractions relativement graves, la Belgique a récemment adapté son cadre juridique afin de prendre en compte, dans le processus de sanction, les récidives de catégories différentes. Il s'agit d'un système adéquat pour traiter la récidive au sens juridique. Pour les infractions relativement légères, la Belgique ne dispose pas d'un système similaire. Par conséquent, les récidivistes qui ne commettent que des infractions relativement légères sont rarement tenus responsables de leur série d'infractions. Le principal objectif de l'analyse comparative était dès lors d'évaluer les approches possibles en vue d'améliorer les procédures pour cette catégorie de conducteurs.

La présente étude a été précédée d'un examen systématique de l'effet potentiel de l'instauration d'un système à points selon la littérature scientifique (Silverans et al., 2018). Il est ressorti de cet examen que les effets des systèmes à points sur les accidents de la route ou sur le comportement des conducteurs ne peuvent être démontrés au-delà d'une période d'environ un an suivant leur instauration. La présente étude aborde la question de l'identification et de la sanction des récidivistes sous un angle différent. Elle met l'accent sur les points forts et les points faibles du processus de sanction actuellement en vigueur en Belgique par rapport à celui d'un certain nombre de pays européens.

Dans la première phase du projet actuel, nous avons utilisé une enquête internationale d'experts pour comparer la pratique belge actuelle en termes de performances en matière de sécurité routière, de comportement des conducteurs, de normes sociales, de contrôles de police et de sanctions pour les contrevenants primaires et récidivistes (Silverans et al., 2021). Nous avons conclu que les performances belges en matière de sécurité routière peuvent être améliorées en optimisant le système d'enregistrement et de suivi des récidives. Pour ce faire, des systèmes dans lesquels l'ensemble des antécédents du contrevenant est systématiquement pris en compte dans le processus de sanction ainsi que des systèmes à points plus formels peuvent être considérés. Pour évaluer les avantages et les inconvénients de ces systèmes, il convient de disposer d'informations approfondies sur la façon dont ils fonctionnent actuellement dans la pratique dans d'autres pays. Le présent rapport analyse les systèmes utilisés dans une sélection de six pays. Des pays dotés d'un système à points formel (Portugal, Royaume-Uni, Norvège et Slovaquie) ainsi que deux pays où des approches alternatives sont utilisées (Finlande et Suisse) sont passés en revue. En complément, l'analyse inclut également les résultats de la comparaison précédente avec l'Espagne et la France.

Les informations ont été recueillies au moyen de rapports écrits structurés d'experts de chaque pays et par le biais de discussions sur les informations fournies dans le cadre de tables rondes ad hoc. En vue de rendre les comparaisons internationales les plus spécifiques possibles, les experts internationaux ont également été invités à évaluer 10 prototypes de récidives (essentiellement des infractions mineures, mais aussi des combinaisons d'antécédents d'infractions mineures et une infraction majeure). Cette approche a permis de mieux comprendre le fonctionnement du système national et le degré de différence entre le processus de sanction dans les pays considérés et la pratique belge actuelle. Parallèlement, nous avons analysé des séries antérieures de statistiques relatives aux accidents mortels afin de déterminer si les tendances observées dans les pays considérés révèlent un impact spécifique des changements apportés aux procédures de sanction des récidivistes (notamment l'instauration de systèmes à points).

Le rapport comprend une description détaillée des diverses procédures en place permettant d'identifier et de sanctionner les récidivistes dans chacun des pays considérés. Tout d'abord, pour chaque pays, la logique et le fonctionnement généraux des systèmes sont décrits. Ensuite, les caractéristiques des différents éléments du processus d'identification et de sanction sont décrites. On y trouve également les types d'infractions couvertes

par le système, une évaluation des infractions cumulées, y compris le calcul éventuel des points, les sanctions et les mesures éducatives appliquées, l'indulgence du système, y compris la récupération des points, les procédures de restitution du permis de conduire, et, le cas échéant, des informations sur des groupes cibles spécifiques, comme les conducteurs débutants et professionnels. Pour chaque pays, les mesures éducatives appliquées à la fois aux contrevenants primaires et aux récidivistes sont également abordées (le cas échéant, dans le cadre d'un système à points et en dehors de celui-ci). Enfin, nous comparons les pratiques nationales considérées au système belge de sanction des récidives mineures.

Descriptions des pays et comparaisons avec la Belgique

La **Finlande** ne dispose pas de système à points qui additionne ou soustrait différents nombres de points pour des infractions de différents degrés de gravité. La Finlande utilise un système simple dans lequel le nombre d'infractions (d'une liste d'infractions dangereuses) est comptabilisé et suivi pendant une période de deux ans. Les infractions mineures, y compris les excès de vitesse jusqu'à 9 km/h en agglomération et le non-port de la ceinture de sécurité, ne font pas l'objet d'un suivi et n'ont jamais d'impact sur le permis de conduire. Les infractions liées à la conduite sous l'influence de l'alcool et les délits routiers sont considérés comme des infractions graves et ne sont donc pas incluses dans le « système de décompte ». Le système comprend principalement les excès de vitesse, l'utilisation du téléphone portable et le non-respect des feux de circulation. ... Tout conducteur qui accumule trois infractions en un an ou quatre infractions en deux ans fait automatiquement l'objet d'un retrait du permis de conduire. La durée de l'interdiction de conduire varie de 1 à 6 mois et dépend de la gravité des infractions en question. Des amendes sont imposées pour chaque infraction en fonction des revenus du contrevenant. Le système est administré et géré par la police. Une différence notable avec la Belgique est la sévérité des sanctions pour conduite sous l'influence de l'alcool (par ex. conduite avec un BAC de 0,7 g/l), notamment la suspension obligatoire du permis de conduire de deux à trois mois pour les contrevenants. En Belgique, une telle infraction est passible d'une amende administrative et n'est pas enregistrée pour un suivi ultérieur. Les excès de vitesse supérieurs à 10 km/h et inférieurs à 30 km/h sont inclus dans le système de décompte et induisent un retrait de permis s'ils se répètent plus de trois fois en l'espace d'une année. Il en va de même pour les récidives d'utilisation du téléphone portable au volant ou toute combinaison de ces différents types d'infractions.

Depuis 2004, la **Norvège** applique un système à points qui s'appuie sur le principe de l'accumulation de deux ou trois points de pénalité pour 12 infractions modérément graves. Ces points de pénalité sont doublés pour les conducteurs débutants. Une fois le plafond de huit points atteint, le permis de conduire est immédiatement retiré pendant six mois. Une distinction entre différentes catégories d'infractions y est appliquée, à savoir les infractions légères, les infractions modérément graves, les infractions graves et les délits routiers. Seules les infractions modérément graves sont incluses dans la liste des points de pénalité. Les infractions mineures donnent lieu à une amende forfaitaire et ne sont pas enregistrées. Les infractions graves et les délits font l'objet d'une procédure pénale et sont inscrits au casier judiciaire. Les points de pénalité sont consignés pendant trois ans. Après les trois ans ou un retrait du permis de conduire de 6 mois (dans le cas où la limite des huit points est atteinte), le décompte des points est remis à zéro. Par rapport à la Belgique, la différence de sévérité des sanctions pour conduite sous l'influence de l'alcool et pour excès de vitesse est notable. Tout d'abord, avec un BAC de 0,2 g/l, la limite légale pour la conduite sous influence est plus stricte qu'en Belgique. En cas de conduite avec facultés affaiblies, l'amende est calculée sur le salaire mensuel brut (ou 1,5 fois le salaire brut si le BAC est supérieur à 0,8 g/l). En ce qui concerne les excès de vitesse, outre les amendes imposées plus élevées (en partie dues au niveau de vie plus élevé en Norvège qu'en Belgique), les récidivistes d'excès de vitesse sont sanctionnés de façon plus adéquate dans la mesure où ces récidives sont incluses dans le système de points de pénalité et induisent un retrait de permis si elles se répètent plus de trois ou quatre fois en l'espace de trois ans.

En 2005, la **Suisse** a instauré ce que l'on appelle un « système en cascade ». Cela implique une sanction administrative minimale de plus en plus stricte à chaque récidive en fonction de la fréquence, du nombre et de la gravité de l'infraction actuelle et des infractions antérieures. Le système en cascade, et donc la sanction des récidivistes, s'applique aux infractions traitées dans le cadre d'une procédure pénale ou administrative. Autrement dit, toutes les infractions, de légères à graves, sont incluses dans ce système. En cas de récidive, il sera interdit au contrevenant de conduire pendant 1 mois à 2 ans en fonction de la gravité et de la fréquence des infractions. Dans une certaine mesure, le système en cascade est comparable à la logique de sanctions progressives appliquée en Belgique pour certaines récidives et, plus précisément, à la durée du retrait de permis qui augmente avec les récidives. Le système en cascade suisse est toutefois plus sévère et plus complet, car il inclut les infractions légères à très graves tandis qu'en Belgique, seules les infractions graves sont concernées.

Au **Portugal**, quand ils obtiennent leur permis de conduire, les conducteurs disposent au départ de 12 points. Une distinction entre différentes catégories d'infractions y est appliquée, à savoir les infractions légères, les infractions graves, les infractions très graves et les délits routiers. Pour toute infraction majeure ou très grave ou tout délit routier, des points sont retirés du permis de conduire. Un conducteur qui ne commet pas d'infraction majeure ou très grave ni de délit routier peut recevoir des points supplémentaires sur son permis. Les infractions légères, y compris les excès de vitesse jusqu'à 19 km/h en agglomération et le non-port de la ceinture de sécurité, ne sont pas incluses dans le système à points portugais. Le système à points, introduit en 2016, est semblable au système précédent. Toutefois, les conséquences des infractions graves sont identiques pour tous les conducteurs. Par ailleurs, il semble plus efficace du fait que les contrevenants perçoivent la menace du retrait de points sur leur permis de conduire. Comme en Belgique, les infractions mineures (par ex. excès de vitesse jusqu'à 19 km/h en agglomération et 29 km/h hors agglomération) ne sont pas incluses dans la définition de la récidive et ne sont pas non plus incluses dans un système à points.

Le **Royaume-Uni** dispose d'un système de points de pénalité avec un maximum de 12 points. Chaque infraction porte un code spécifique qui est enregistré dans le dossier du conducteur unique de la personne, stocké dans une base de données centrale appelée The Driver Validation Service (DVS). Cette base de données peut être consultée et alimentée assez facilement. Un certain nombre de points est attribué à chaque infraction, de même que des amendes fixes ou variables. Les points alloués restent dans le dossier du conducteur pendant 3 ans. Les infractions, quant à elles, y restent consignées plus longtemps. Une fois la limite des 12 points atteinte, le conducteur fait l'objet d'un retrait de permis de 6 mois, imposé par décision d'une dite « magistrates' court ». Par rapport à la Belgique, le système britannique semble assez strict. Même une infraction qui, en Belgique, serait considérée comme un « excès de vitesse mineur » et qui ne serait pas enregistrée, au Royaume-Uni, cette infraction est consignée dans le dossier individuel du conducteur contrevenant et 3 points lui sont alloués. Quatre infractions similaires sur une période de 3 ans donneraient lieu à un retrait du permis de conduire pendant six mois, ce qui peut être considéré comme un traitement adéquat de la récidive. De même, au Royaume-Uni, toute infraction liée à la conduite sous influence est enregistrée dans la base de données centrale et entraîne au moins une attribution de points et une amende. L'enregistrement et l'allocation de points de façon uniforme veillent à un suivi de la récidive.

En **Slovénie**, un maximum de 18 points peut être attribué à un contrevenant sur son permis de conduire. Une distinction est faite entre les infractions mineures (sanctionnées par une amende), les infractions modérément graves et les infractions graves (sanctionnées par une amende et une pénalité allant de 1 à 18 points). En cas d'infraction grave (18 points ou délit), le contrevenant est immédiatement référé au tribunal et le permis lui est retiré par voie administrative pour une période de trois semaines. Les conditions pour conserver le permis de conduire dépendent du suivi d'un programme de réhabilitation (en cas de conduite sous influence) ou d'une formation à la conduite (en cas d'excès de vitesse). Une fois le plafond de 18 points atteint, le permis est retiré au contrevenant (par voie administrative) pour une période minimale de 6 mois. Pour récupérer le permis de conduire, il faut alors repasser l'examen théorique et l'examen pratique. Par rapport à la Belgique, les infractions mineures d'excès de vitesse (moins de 10 km/h) sont encore moins sanctionnées en Slovénie et ne sont pas incluses dans le système à points. Les autres infractions d'excès de vitesse sont incluses dans le système à points et les excès de vitesse « graves » valent une attribution de 18 points. Ce qui signifie que, contrairement à la Belgique, ils sont automatiquement sanctionnés par un tribunal d'un retrait de permis (et de mesures éducatives comme conditions). Les infractions de conduite sous influence sont sanctionnées différemment puisqu'avec un BAC de 1,1 g/l, le contrevenant recevra automatiquement 18 points et sera référé au tribunal. Contrairement à la Belgique, le contrevenant qui a conduit sous influence devra suivre un examen médical avant d'être redirigé vers un programme de réadaptation ou vers le système médical (en cas de dépendance). En ce qui concerne l'utilisation du téléphone au volant, cette infraction est plus sévèrement sanctionnée par une amende et des points de pénalité. Le non-port de la ceinture de sécurité et la non-utilisation d'un dispositif de retenue pour enfants sont sanctionnés de façon similaire en Belgique et en Slovénie.

Comparaisons basées sur des scénarios de cas et séries d'accidents mortels historiques

Sur la base des comparaisons des procédures pour les scénarios de cas, nous concluons que la sévérité des sanctions pour les infractions « mineures » relatives est faible en Belgique. C'est notamment le cas pour la conduite sous l'influence de l'alcool. En Belgique, conduire trois fois en 2 ans avec un BAC de 0,7 g/l n'est pas enregistré comme récidive. Dans tous les autres pays examinés, cette infraction est toutefois considérée comme telle. En Suisse, une première infraction de conduite sous l'influence de l'alcool avec un BAC de 0,7 g/l est même référée directement à un tribunal. La procédure est équivalente au Royaume-Uni où tous les BAC supérieurs au plafond légal de 0,8 g/l sont, là aussi, toujours référés à un tribunal.

Pour les excès de vitesse mineurs, dans certains pays comme le Portugal et la Suisse, la sévérité des sanctions est comparable à celle appliquée en Belgique. D'autres pays considérés, en particulier le Royaume-Uni, sanctionnent très sévèrement les excès de vitesse mineurs. Au Royaume-Uni, conduire à seulement 1 km/h au-dessus de la limite de vitesse induit l'attribution de points sur le permis de conduire. Une telle infraction à deux reprises est considérée comme une récidive.

Dans tous les pays dotés d'un système à points, les infractions de distraction, comme l'utilisation d'un téléphone portable au volant, sont incluses dans le système et sont considérées comme des récidives. La sévérité des sanctions pour distraction au volant est donc faible en Belgique par rapport à de nombreux autres pays. En Belgique, pour le non-port de la ceinture de sécurité, la sévérité des sanctions est similaire à celle de la plupart des autres pays. Cette infraction n'est pas incluse dans le système à points de certains pays, mais elle y figure au Royaume-Uni, en Espagne et en France.

Aucune conclusion claire ne peut être tirée de nos analyses de tendances pour les accidents de la route mortels. Il convient de tenir compte de divers autres facteurs, notamment les stratégies d'application et les campagnes de sensibilisation, pour interpréter l'évolution des performances des pays avec et sans permis à points. À lui seul, l'indicateur de mortalité ne nous permet pas de déterminer si les pays avec ou sans système à points sont plus performants ou si le système à points a sensiblement amélioré les performances en matière de sécurité routière. La Norvège, par exemple, qui n'a instauré le système à points qu'en 2004, affichait déjà d'excellents résultats bien avant, à l'instar de la Suisse, qui n'a jamais instauré de système à points.

Comparaison de la sanction des récidives d'infractions mineures

La plupart des pays sanctionnent plus sévèrement les **excès de vitesse** et incluent les récidives à un niveau d'infraction inférieur à celui de la Belgique. On relève énormément de variations dans le type d'excès de vitesse qui sont repris dans les différents systèmes d'identification et de sanction des récidivistes. Par exemple, bien que les systèmes à points espagnol et français soient assez similaires, en France, les excès de vitesse de 1 km/h sont sanctionnés d'un point. En revanche, en Espagne, seuls les excès de vitesse supérieurs à 20 km/h sont inclus dans le système. Si la pondération est appropriée en fonction de la gravité de l'infraction (comme en France où un léger excès de vitesse n'est sanctionné que d'un point sur un total de 12), nous recommandons d'inclure dans le système de traitement des récidives toutes les infractions d'excès de vitesse.

Les différences les plus notables entre les pays passés à la loupe et la Belgique en matière de sanction de la récidive de **conduite sous l'influence de l'alcool** concernent des infractions de conduite sous l'influence de l'alcool relativement mineures (correspondant à des degrés d'intoxication compris entre 0,5 et 0,8 g/l). En Belgique, ces infractions ne sont en principe sanctionnées que par une perception immédiate, sans autre suivi par le système judiciaire. Dans la pratique, les conducteurs peuvent accumuler un nombre infini d'infractions de ce type. Dans tous les autres pays, les récidives d'infractions mineures de conduite sous l'influence de l'alcool induisent automatiquement le retrait du permis de conduire après deux ou trois occurrences. On pourrait dire que la pratique belge actuelle reflète une norme sociale de tolérance par rapport à la conduite sous l'influence de l'alcool. Pour modifier et améliorer la désapprobation sociale à l'égard de la conduite sous l'influence de l'alcool, il y a lieu d'envisager d'inclure ces types d'infractions « mineures » dans un système d'identification et de sanction des récidivistes.

En Belgique, le non-port de la **ceinture de sécurité** n'a pratiquement jamais de conséquences, hormis des amendes. C'est également le cas en Finlande, en Suisse, au Portugal, en Slovénie et en Norvège. Au Royaume-Uni, en France et en Espagne, le non-port de la ceinture de sécurité est sanctionné par la perte de points de permis et induit au final le retrait du permis de conduire et des mesures associées en cas de récidive ou de combinaison à un historique d'infractions d'une autre nature incluses dans le système à points. Les motifs pour ne pas inclure dans le système le non-port de la ceinture de sécurité sont peu clairs. Puisque le non-port de la ceinture de sécurité demeure un facteur de risque important dans la circulation (et puisqu'il est corrélé dans la pratique avec la fréquence d'autres infractions), il y a lieu d'inclure le non-port de la ceinture de sécurité dans un système d'identification et de sanction des récidives, même les infractions dites mineures.

Bien que **l'utilisation d'un téléphone portable** puisse être poursuivie devant un tribunal, qui peut imposer des sanctions plus sévères voire le retrait du permis de conduire, la grande majorité des infractions ne sont sanctionnées que par une perception immédiate. À cet égard, la pratique belge actuelle diffère fortement de celle de la plupart des autres pays examinés, où l'utilisation du téléphone portable est systématiquement incluse dans le système de sanctions et induit au final le retrait du permis de conduire et des mesures associées en cas de récidive (éventuellement en combinaison avec des infractions d'un autre nature).

Discussion et conclusion

Il ressort de cette analyse que la Belgique accuse un retard par rapport à la plupart des pays en ce qui concerne le suivi de l'accumulation d'infractions routières relativement « mineures ». Les excès de vitesse relativement mineurs, les degrés d'intoxication compris entre 0,5 et 0,8 g/l, l'utilisation d'un téléphone portable et le non-port de la ceinture de sécurité ne sont généralement sanctionnés que par des amendes. Les conducteurs peuvent donc accumuler autant d'infractions de ce type au fil du temps « que leurs finances le leur permettent ». Cela contraste avec les systèmes à points et les autres systèmes appliqués dans d'autres pays, où un plafond est fixé pour le nombre de ces types d'infractions commises sur une période déterminée. En raison du risque évident pour la sécurité, il est inacceptable que certains conducteurs puissent continuer à accumuler ces types de risques dans la circulation sans jamais être tenus responsables.

La façon la plus fréquemment utilisée pour gérer ce processus est un système administratif entièrement automatisé qui fonctionne parallèlement aux procédures juridiques existantes. L'automatisation de l'évaluation nécessite un algorithme pour prendre en compte à la fois le nombre d'infractions et la gravité des infractions. Il convient également d'intégrer dans le système toutes les formes possibles de comportement à risque en fonction du risque d'accident. Dans la pratique, cela revient à appliquer une forme de système à points. Selon l'analyse des pratiques internationales, l'identification et la sanction des récidivistes en Belgique pourraient être améliorées par l'application d'un système administratif automatisé bien conçu. Les systèmes automatisés permettent d'identifier automatiquement des niveaux inacceptables de récidives d'infractions mineures, ils peuvent être communiqués de façon transparente à la population, ils offrent des possibilités de prévention en informant les conducteurs en conséquence sur leurs antécédents et ils permettent d'automatiser les décisions sur le type de sanctions et de mesures de réhabilitation (amélioration de la conduite, évaluations de l'aptitude à conduire, etc.) associées à certains niveaux de récidives. En revanche, les systèmes automatisés ne tiennent pas compte des circonstances des infractions ni de la situation personnelle du contrevenant dans le processus de sanction. Une telle évaluation qualitative des récidives d'infractions mineures nécessiterait d'étendre également le suivi systématique des récidives aux infractions relativement mineures au sein du système judiciaire. Quoiqu'il en soit, l'enregistrement systématique de toutes les infractions dans une base de données centrale est une condition préalable.

1 Introduction

To evaluate possible systems to identify and sanction repeat traffic offenders in Belgium, we were asked to benchmark the current Belgian practices in this respect with other European countries. In this benchmark we are not only focusing on systems to identify, and sanction repeat offenders, but also on ways to integrate educational measures, fitness-to-drive evaluations, driver testing and monitoring and new innovative approaches in the system. For the most severe offences, Belgium recently adapted its legal framework to take repeat dangerous offences not belonging to the same category into account, which is an adequate system to deal with recidivism in the legal sense. For light offences, Belgium does not have a similar system, leading to repeat offenders that only commit relatively light speed offences never being confronted with their risky behavior or held accountable. There, the main focus on the analysis is on evaluating opportunities to improve procedures for this category of drivers.

The present study was preceded by a systematic review of the effect that could be expected according to the scientific literature of introducing a demerit point system in Belgium (Silverans et al., 2018). Since several review studies showed that effects on accidents or behavior could not be demonstrated beyond a period of about one year after introduction, this study concluded that long term effects on accident indicators cannot be expected. The present study looks at the topic of identifying and sanctioning repeat offenders from a different angle. The main focus of the present study lies on the strengths and weaknesses of the current sanctioning process in Belgium compared to a selection of benchmarking countries. Through that comparison, considerations are formulated to optimize this process in Belgium.

In a first phase of the current project, we benchmarked current Belgian practice by means of an international expert survey (Silverans et al., 2022). In order to evaluate international practices, we also made an international comparison of Belgium in comparison with other European countries at the level of road safety performance, driver behaviour and social norms. In parallel police data on police checks and sanctions for first and repeat offenders were also integrated in this international comparison. Based on the indicators analyzed and the information provided by the international experts, it was concluded that Belgian road safety performance can be improved by optimizing the system for registration and follow-up of repeat offences.

Both systems in which the entire offender history is systematically taken into account in the sanctioning process as more formally developed demerit point systems are to be considered to evaluate the potential within the Belgian legal and organizational context. Since taking all these aspects into account requires in-depth information on how the respective international systems function in practice, the present study focused on an in-depth analysis of the systems used in a selection of countries. To that end both countries with a formal demerit point system (Portugal, The United Kingdom, Slovenia and Norway) were included in the exercise, as well as two countries where demerit points are not used: Finland, where repeat offences are simply counted regardless of offence severity and Switzerland, where an alternative system for identifying repeat offenders is applied, the so-called *Cascade system*. The selection of countries in the present study was mainly defined by the objective to include countries in all parts of Europe (since these often reflect different cultural traditions and systems) and to include a sufficiently large variety of systems for sanctioning repeat offenders. In order to assure feasibility of the study, it was decided to limit the number of benchmarking countries to six, but to also include the results of an earlier benchmarking exercise, in which detailed results for France and Spain were described already.

The main part of this report regards the characteristics' description of the systems used in each country to identify, and sanction repeat offenders. To be able to give a detailed account of the practical organization and operational definitions of the systems, information was gathered through structured written accounts from international experts for each country and through discussing the provided information in ad hoc roundtable discussions. This allows a general evaluation of the pros and cons of each national system compared to the current Belgian situation.

To make the international comparisons as specific and concrete as possible, the international experts were also asked to evaluate 10 prototypical cases of repeat offences (mainly minor offences but also combinations of a history of minor offences and a major offence). This allows to understand how the system works in practice and how the sanctioning process in each case compares to the current Belgian practice.

More than 10 years ago the European research project BestPoint formulated recommendations for implementing demerit point systems to identify and sanction repeat offenders. Using this as a general framework for managing repeat risky driving, we attempt to formulate considerations for optimizing the follow-

up of repeat offenders in Belgium based on the potential of the methods and procedures used in the other European countries.

2 Country descriptions

2.1 Finland

2.1.1 General logic and functioning of the system

Finland does not have a real point system that adds or subtracts different numbers of points to infractions with different degrees of severity. Finland uses an alternative system in which the number of offences included in a list of dangerous offences is counted and tracked for a period of one or two years.

The legal framework for the system is the Driving License Act section 65. Infractions registered by the police are automatically transferred to the "vehicle and driver register" managed by Finnish Transport and Communications Agency. Registration of four infractions over a two-year period or of three infractions over a one-year period automatically leads to a driving ban.

There is a differentiation between three types of infractions:

- 1) minor offences – no consequences to driving license, only fine/traffic penalty fee*
- 2) offences – fine/traffic penalty fee and consequences to driving license if repeated*
- 3) severe offences – fine/other sanctions and driving ban*

The first category are minor infractions that are not registered in the vehicle and driver register. These types of infractions are sanctioned with a fine and drivers are allowed to accumulate as many infractions "as their wallet allows". These include for instance:

- Speeding less than 10 km/h on roads with a speed limit of maximal 60 km/h
- Speeding less than 15 km/h on roads with a speed limit of more than 60 km/h
- Not wearing a seatbelt
- Not using direction indicators

The second category refers to all offences counted in the count system for repeat offences. The infractions included in that category are included below.

The third category refers to traffic crimes and are sanctioned in the legal system and in court. The Criminal Code of Finland (39/1889) includes possibility to impose stricter sanctions. If criminals' earlier crimes and the similarity of the new crime demonstrates obvious heedlessness of prohibitions and commands of the law.

This implies that offences are stored in two databases: one for criminal issues and above mentioned Vehicular and Driver Data Register administered by The Finnish Transport and Communications Agency. The latter is a large database including all information about vehicles and different driver permits – as driving licenses – in Finland.

2.1.2 Characteristics of the system for treating repeat offences

2.1.2.1 Infractions included

Minor traffic offences, including speeding below 10 km/h in 60 km/h zones and below 15 km/h in zones with a higher speed limit, are only sanctioned by a fine that is only registered for payment issues. These minor offences are not registered and have no consequences for the drivers record.

Other minor offences sanctioned only with a fixed monetary fine and without further implications for the drivers license are (<https://www.traficom.fi/en/transport/road/traffic-violations-and-traffic-penalty-fees?toggle=When%20does%20the%20police%20impose%20a%20traffic%20penalty%20fee%3F&toggle=What%20types%20of%20administrative%20offences%20can%20a%20traffic%20penalty%20fee%20be%20imposed%20for%3F&toggle=Sanctions%20and%20penalties%20for%20breaking%20speed%20limits%20>)

[%E2%80%93speed%20limit%20at%20most%2060%20km%2Fh%20&togggle=Traffic%20penalty%20fee%20and%20driving%20ban%20\):](#)

- General offences by road users; for example, failure to comply with an order or prohibition provided by the police or another traffic supervisor.
- Minor speed offences with a motorised vehicle.
- Other traffic offences by drivers of motor vehicles and trams; for example, non-compliance with the turning and grouping rules, offences concerning the use of the direction indicator or provision of safe space for soft traffic.
- Offences concerning the use of personal safety devices; offences by drivers and passengers of motorised vehicles concerning safety equipment may be sanctioned by a traffic penalty fee.
- Offences concerning vehicle mass and dimensions; for example, minor exceedance of the permitted mass on axle or bogie can be sanctioned by a traffic penalty fee.
- Offences concerning the carriage of passengers in motor vehicles; for example, a traffic penalty fee may be imposed for a minor exceedance of the number of passengers entered in the vehicle register, or for transporting a passenger by a light electric vehicle if the electric vehicle does not have a suitable seat for the passenger.
- Offences concerning vehicle coupling; for example, minor offences related to coupling a vehicle to a towed vehicle may be subject to a traffic penalty fee.
- Traffic offences concerning the use of tyres.
- Road traffic offences by off-road vehicle drivers; for example, a traffic penalty fee may be imposed for other than permitted use of an off-road vehicle on a road.

The infractions included are infractions of medium severity. Severe infractions are considered as traffic crimes and sanctioned in the penal system.

Speed infractions detected by camera are also included. Finland has relatively strict regulations on detecting speed infractions: these require a photo-image of the driver behind the wheel at the time of the infraction. If no video footage of the driver is available, the owner of the vehicle can be called in for interrogation, but if he can prove he could not be driving at the time of the radar detection (e.g., an alibi saying the driver was at work), the driver cannot be asked to report the driver to the police:

If the speeding/violation is observed by the automatic traffic enforcement (camera enforcement), then police sends the traffic penalty fee to home address of owner/occupant of the car. If the speeding observed in automatic traffic enforcement is more than it is possible to sanction by fixed traffic penalty fee, then it will be normal police investigation – owner/occupant of car owner is invited to police hearing.

On www.traficom.fi it is confirmed that

Traffic offences that are observed during automatic traffic surveillance or otherwise without stopping the vehicle can be processed with a vehicle-specific traffic penalty fee. In addition to the means of monitoring used, the traffic penalty fee and vehicle-specific traffic penalty fee differ in that the latter is the responsibility of the owner, holder, temporary user or person in charge of use entered in the vehicle register. This is a so-called holder's liability, in which the legislator has specifically defined in law who is assumed to have driven the motor vehicle used for a traffic offence at the time of its commission.

However, the owner, holder or temporary user entered in the vehicle register is free of liability if they prove it likely that they did not commit the traffic offence or that there were no conditions for imposing the traffic penalty fee. The person in charge of use is exempted from liability if they state who used the motor vehicle at the time of committing the traffic offence or if they state that the vehicle or its registration plate was stolen.

In practice, this comes down to drivers being able to prove by means of an alibi that they could not have driven the car at the time of the offence.

2.1.2.2 Point calculation

The "count system" applies to the intermediate category of offences. Minor offences (like driving less than 10 km/h above the speed limit) are dealt with a simple financial sanction (a so-called traffic penalty fee). Offences refer to a list of serious offences that are included in the count system and will lead to a driving ban in case of repeat offences. Very serious offences regarded as severe offences are considered as crimes and dealt with in court.

- 1) Traffic violations regulated in the Road Traffic Act, and sanctioned by traffic penalty fee as it is declared in chapter 6, and the violation is belonging to one of the next:
 - a) the use of communication device (mobile phone etc)
 - b) speeding more than 10 km/h if the speed limit is at most 60 km/h
 - c) speeding more than 15 km/h if the speed limit is more than 60 km/h
 - d) red light running
- 2) violation of driving and resting time regulations (truck and bus drivers; social legislation on road transport)
- 3) causing traffic hazard regulated in the Criminal Code of Finland (39/1889).
- 4) regulations of professional competence (CPC-rules)
- 5) using devices to hamper enforcement (e.g. radar detection devices)
- 6) rules of transporting hazardous materials (ADR-rules)

For novice drivers, thresholds for driving are stricter. During the first two years after the first driving license of car, the driving ban will be imposed after three mentioned violations during two years or two violations during one year. For novice drivers with a driving ban, following driver improvement courses is also a mandatory requirement to get reinstated:

Driving ban training

New drivers are subject to stricter monitoring than other drivers for a two-year period after obtaining a right to drive for a car or a motorcycle. A driving ban may be imposed on the person if he or she has committed one or more driving offences during this two-year period. Restoring the right to drive after the driving ban requires additional training to prevent the driver's risky behaviour.

The driving ban training covers risky behaviour and its impact of traffic safety. The training is theoretical instruction that includes independent assignments and group discussions. The training takes four hours, and it can also be completed as online studies via remote connection.

The training can be completed at a driving school or in instruction provided by a company in the traffic safety sector approved by Traficom (Finnish Transport and Communications Agency). The training can be completed during or after the driving ban.

The police will restore the right to drive once the person has completed the training, submitted the certificate of the training to the police and the driving ban has expired.

Quoted from <https://ajokortti-info.fi/en/perustietoa-ajokortista/traffic-offences>.

The courses are usually followed online and take a total of about 4 hours. The organization which gives these courses must have a driving school permit or be accepted by the Finnish Transport and Communications Agency.

Since the courses for novice drivers were introduced in July 2018, the courses have not yet been evaluated.

The driving ban training for novice drivers is not specific for the type of offence, but a general module:

There is one course for all. Themes in course are how to detect risk factors, which caused risky behaviour, what consequences risk behaviour have, how to find optional models to behave. Course includes discussions with teacher or in peer group and aim is to self-reflect own feelings and behaviour about situation, which caused driving ban.

The cost for the courses is estimated at 150 to 200 Euro.

Simultaneously committed offences (e.g. red light running while speeding and using a hand-held cell phone) are counted as one offence in the system for "counting" repeat offences. In this case, the most severe offence is used as the basis of the sanction (increased with 40 € for combining it with other offences). But the entire event is counted as one single event in the system for counting repeat offences.

Apart from this general framework, drink driving offences are sanctioned severely and will always lead to a driving ban. For repeat drink driving offences a specific framework is used. First offenders with a blood alcohol concentration (BAC) as low as 0.51 g/l are always punished with a driving ban of minimum 1 month (range 1-3 months, normal duration 2 months). Repeat offences within a 5-year time period (even when again as low as 0.51 g/l) will lead to a minimal driving ban of 6 months (range 6-8 months, normal duration 7 months).

The count system is only a system to attribute consequences to repeat offences. Apart from being included in the database for adding points, sanctions are also given for each offence. If not referred to court, sanctioning is imposed by the police:

The sanction itself is usually either traffic penalty fee (fixed fee) or fine, which is depending on your incomes. So you get fine form including directions to pay fine, "bill", and directions to deny and complain about the sanction. If the speeding/violation is observed by the automatic traffic enforcement (camera enforcement), then police sends the traffic penalty fee to home address of owner/occupant of the car. If the speeding observed in automatic traffic enforcement is more than it is possible to sanction by fixed traffic penalty fee, then it will be normal police investigation – owner/occupant of car owner is invited to police hearing.

Appeal procedures

Apart from traffic crimes, which refer to extremely dangerous offences, the offences are dealt with by the police force authorities or in some cases by border control:

In addition to the police, traffic penalty fees may be imposed by Customs or the Border Guard. The competence of Customs and the Border Guard to impose traffic penalty fees is limited to matters that fall within their duties. However, it is possible that a traffic offence committed at a border crossing point, for example, is sanctioned by a traffic penalty fee, and the fee is imposed by the Border Guard instead of the police.

However, a vehicle-specific traffic penalty fee may only be imposed by the police. At the police, this task falls within the competence of the Helsinki Police Department Traffic Safety Centre, which is responsible for national automatic traffic surveillance.

Apart from traffic crimes, contesting an infraction is also dealt with by the police forces or an associated administrative court:

A claim for a revised traffic penalty fee decision and a vehicle-specific traffic penalty fee decision may be filed with the authority that imposed the traffic penalty fee. The claim must be made in writing, and it must be submitted to the authority within the prescribed time at the risk of inadmissibility. The claim must state, among other things, what kind of revision is required and on what basis. The authority then examines the claim for a revised decision and makes a decision on the matter.

Based on the request for a revised decision, the authority may decide on three kinds of rulings. The authority may reject the claim for a revised decision, in which case the original traffic penalty fee decision is not altered. The authority may also approve the claim for a revised decision and revoke the traffic penalty fee decision it has made. The decision may be revoked either partially, or the traffic penalty fee may be reduced to a notice. A decision on a claim for a revised decision made by an authority may be appealed to the competent administrative court.

Before imposing the driving ban police must hear the person, who is object of this sanction. After police's driving ban decision person can apply correction to decision. Police must without delay decide application. After this decision person can apply correction in Regional administrative court.

Responsibilities of the police authorities vs legal court procedures

In practice most offences, even when very severe, are processed by the police authorities. Only for severe traffic crimes and cases of dangerous driving causing harm to others, the procedure is referred to court:

Two years ago, all traffic bans were transferred to police. The main purpose was, that normal and simple DUI cases can be handled by police only. Earlier traffic bans of DUI were sanctioned in court. Now, all normal DUIs usually are processed by police, if plaintiff accepts. If the crime is serious enough, and the sanction may be imprisonment, then case goes to prosecutor and court. So it is with the aggravated DUIs for example. The simple fine procedure cannot be used if there is some extra costs because of vindication. That's why drug DUIs are always via prosecutor/court (costs of blood analyzing).

Alcohol DUIs, which are indicated with evidential breathalyzer, goes via simple fine procedure – if the plaintiff accepts the procedure (usually he/she accepts, because of simpler and quicker procedure).

Speeding more than 20 km/h is seen as "causing hazard danger". If the sanction will be more than 20 day fines, the police must negotiate with the prosecutor, if the simple fine procedure can be applied. Usually speeding more than 50 km/h goes to court.

If the violation is seen as "causing aggravated hazard danger", then the simple fine procedure is not applied, and case goes to prosecutor's consideration and into court. So also lower speeding may go to court, if there is some other violations of driving behaviour, which caused danger to other road users.

Warning letters

When driver has gathered two violations within one year or three within two years, The Finnish Transport and Communications Agency (Traficom) send (or the system sends) a notification letter to driver to tell a warning: "one more violation will cause you a driving ban".

According to <https://ajokortti-info.fi/en/perustietoa-ajokortista/traffic-offences> each registration of an offence in the register is reported to the driver by means of a warning letter including the following information:

Traffic offences

Traffic enforcement and traffic offences fall under the jurisdiction of the police. However, Traficom administers the driving license details contained in the Vehicular and Driver Data Register and will send you (the license holder) a letter if you have been found guilty of one or more traffic offences.

This letter will state that the police may consider imposing a driving ban if

you are found guilty of at least three traffic offences within one year or at least four traffic offences within two years;

you have held your driving license for less than two years and are found guilty of at least two traffic offences within one year or at least three traffic offences within two years;

you have held a motorcycle driving license for under two years but do not have a car license, and are found guilty of at least two traffic offences within one year or at least three traffic offences within two years.

The monitoring period given in the letter begins either one or two years before the date on which you committed your last traffic offence. Paying fines will not affect the number of offences held on record or the sending of letters.

The police may impose a driving ban for a single, serious traffic offence. Such offences include reckless driving or driving without a license.

Traffic offences remain in the register as a rule for 5 years

According to the Act on Transport Services (part V, chapter 2, section 6), which entered into force on 1 July 2018, information on offences and their sanctions must be deleted from the register as soon as they are time-barred.

Information on traffic offences (e.g., driving while intoxicated, driving while seriously intoxicated, causing a serious traffic hazard and operation of a vehicle without a license) includes information on reports of and decisions on traffic offences as well as driving bans. As a rule, this information will be deleted from the register five years after the decision on the offence or sanction has become final.

Apart from receiving warning letters, drivers can also check their offences in the database: *driver can sign into the Finnish Transport and Communications Agency's web-service and download his/her driving license information. It includes information about offences and measures concerning driving bans.*

2.1.2.3 Point recovery

Point recovery depends entirely on the time since the offence (date of committing the offence). In general, offences are cleared from the record after two years, only for drink driving offences a follow-up period of five years is used. All information on previous offences must be cleared after a period of five years (cf. infra).

2.1.2.4 Licensing measures, driving bans and other sanctions for repeat offenders

In the interview guide and roundtable discussions the length of the driving ban was not explicitly discussed. The evaluation of the case scenarios however provides clarifications on the typical length of the driving ban according to the severity of the repeat offences.

From the website of the Finland police (<https://poliisi.fi/en/driving-bans>) we extracted the following information (that is in line with the driving ban lengths used in the evaluation of the case scenario's):

The duration of a driving ban depends on such issues as the severity of the offence warranting a driving ban, previous such offences, and the impact of the driving ban on your livelihood and essential mobility.

The tables below showing driving ban durations are based on the Driving License Act and the guideline issued by the National Police Board. Note that the duration of a driving ban cannot be directly read in the table in all cases.

Repeated traffic violations		
Table on the normal duration of a driving ban imposed due to repeated traffic violations:		
Normal duration of driving ban	Criteria	Range
6 weeks	Minimum number of offences and the total number of day-fines does not exceed 35, or the number of offences exceeds the minimum by 1 or 2, and all punishments were summary petty fines	1 month-9 weeks
12 weeks	The number of offences exceeds the minimum by 1 or 2, or the total number of day-fines is 36–50	7-17 weeks
18 weeks	The number of offences exceeds the minimum by 3 or more, or the total number of day-fines exceeds 50	15 weeks-6 months

Although not entirely clear, this confirms the general rule included in <https://www.traficom.fi/en/transport/road/traffic-violations-and-traffic-penalty-fees> that "In addition to traffic penalty fees imposed for traffic offences, the calculation of repeated violations takes account of other sanctions imposed and sentenced for various types of traffic offences." This means, that system is flexible and that the police has the possibility to consider the length of driving ban and take into account what kind of consequences the driving ban has to income or mandatory mobility of the offender.

As already discussed, repeat drink driving offences are not included in the "count system" as such. For repeat drink driving offences, a separate sanctioning framework is developed. From "<https://poliisi.fi/en/driving-bans>" we learn:

A first-time offender is a driver who in the previous 5 years has not been guilty of driving while intoxicated, driving while seriously intoxicated, causing a serious traffic hazard or an offence involving the transport of hazardous materials.

A repeat offender is a driver who in the previous 5 years has been guilty of driving while intoxicated, driving while seriously intoxicated, causing a serious traffic hazard or an offence involving the transport of hazardous materials.

The table below gives the framework for both first and repeat offences for drink driving offences. In Belgium, intoxication levels below 0.8 g/l will mostly be dealt with an immediate perception and not take repeat offences into account.

Driving while intoxicated

Table on the normal duration of a driving ban imposed due to driving while intoxicated by alcohol, for a first-time offender and a repeat offender:

Blood alcohol level (per mille)	Alcohol in 1 litre of exhaled air (mg/l)	Normal duration of driving ban, first-time offender (minimum 1 months)	Range for first-time offender	Normal duration of driving ban, repeat offender (minimum 6 months)	Range for repeat offender
0,50-0,59	0,22-0,26	2 months	1 month-3 months	7 months	6-8 months
0,60-0,69	0,27-0,30	2 months 2 weeks	1 month 2 weeks-3 months 2 weeks	7 months 2 weeks	6 months 2 weeks-8 months 2 weeks
0,70-0,79	0,31-0,35	3 months	2-4 months	8 months	7-9 months
0,80-0,89	0,36-0,39	3 months 2 weeks	2 months 2 weeks-4 months 2 weeks	8 months 2 weeks	7 months 2 weeks-9 months 2 weeks
0,90-0,99	0,40-0,43	4 months	3-5 months	9 months	8-10 months
1,00-1,09	0,44-0,48	5 months	4-6 months	9 months 2 weeks	8 months 2 weeks-10 months 2 weeks
1,10-	0,49-	6 months	5 months-5 years	10 months	9 months-5 years

A first-time offender is a driver who in the previous 5 years has not been guilty of driving while intoxicated, driving while seriously intoxicated, causing a serious traffic hazard or an offence involving the transport of hazardous materials.

A repeat offender is a driver who in the previous 5 years has been guilty of driving while intoxicated, driving while seriously intoxicated, causing a serious traffic hazard or an offence involving the transport of hazardous materials.

Intoxication levels above 1.2 g/l are considered as aggravated drink driving and sanctioned according to the following scheme:

Driving while seriously intoxicated

Table on the normal duration of a driving ban imposed due to driving while seriously intoxicated by alcohol, for a first-time offender and a repeat offender:

Blood alcohol level (per mille)	Alcohol in 1 litre of exhaled air (mg/l)	Normal duration of driving ban, first-time offender (minimum 3 months)	Range for first-time offender	Normal duration of driving ban, repeat offender A (minimum 6 months)	Range for repeat offender A	Normal duration of driving ban, repeat offender B (minimum 1 year)	Range for repeat offender B
1,20-1,49	0,53-0,65	7 months	3-8 months	11 months	6 months-1 year	1 year 2 months	1 year-1 year 4 months
1,50-1,99	0,66-0,87	8 months	6-10 months	1 year	11 months-1 year 1 month	1 year 4 months	1 year 2 months-1 year 6 months
2,00-2,49	0,88-1,09	10 months	8 months-1 year	1 year 1 month	1 year-1 year 3 months	1 year 6 months	1 year 4 months-1 year 8 months
2,50-2,99	1,10-1,31	1 year	10 months-1 year 2 months	1 year 3 months	1 year 1 month-1 year 5 months	1 year 8 months	1 year 6 months-1 year 10 months
3,00-	1,32-	1 year 2 months	1-5 years	1 year 5 months	1 year 3 months-5 years	1 year 10 months	1 year 8 months-5 years

A first-time offender is a driver who in the previous 5 years has not been guilty of driving while intoxicated, driving while seriously intoxicated, causing a serious traffic hazard or an offence involving the transport of hazardous materials.

Repeat offender A is a driver who in the previous 5 years has been guilty of driving while intoxicated or an offence involving the transport of hazardous materials.

Repeat offender B is a driver who in the previous 5 years has been guilty of driving while seriously intoxicated or causing a serious traffic hazard.

The Finnish day fine system

Traffic offences are sanctioned by either a fixed monetary fine or by a so-called "day fine" for a part of the second category offences.

Sanctions expressed as a number of day fines refer to an amount that is dependent upon the income of the offender. According to www.traficom.fi 1/60 of the average monthly income of the person to be fined shall be considered a reasonable amount of a daily fine. The minimum amount of a daily fine is EUR 6.

Expressed even more detailed: Value of day fine is net income minus base consumption (255 euros) and then divided by 60. Minimum day fine 6 euros.

Minimum day fine total of speeding to moped driver minimum 100 euros and to other drivers of motor vehicle 200 euros.

And illustrated with an example:

For example, if speed limit is not more than 60 km/h – let's assume 30 km/h,

you will be sanctioned by penalty fee from 8 to 20 km/h speeding (after 3 km/h reduction) and by day fine 21- km/h.

21-23 km/h speeding means usually 12 day-fines, variation 8-16.

Let's assume, you drove 63 km/h, first minus 3 km/h, so official speeding 30 km/h.

Normal amount of day fines is then 18, variation 16-24.

If your income after taxes is 700 per month, and no children – day fine is 7 euros, totally 126 euros, which is less than traffic penalty fee 200, so your fine is 200.

If your income after taxes is 3000 per month, no children – day fine is 45 euros, fine is totally 810 euros.

If your income after taxes is 30 000 per month, no children – day fine is 495 euros, fin is totally 8910 euros.

And income is 300 000 -> fine totally 89 910 euros, etc.

Or you are Nokia's CEO and pay 116,000 € for 45 km/h in a 30 km/h zone.

For excess speeding in areas with a speed limit of maximum 60 km/h, the sanction guidelines taken into account are for instance (<https://www.traficom.fi/en/transport/road/traffic-violations-and-traffic-penalty-fees?toggle=When%20does%20the%20police%20impose%20a%20traffic%20penalty%20fee%3F&toggle=What%20types%20of%20administrative%20offences%20can%20a%20traffic%20penalty%20fee%20be%20imposed%20for%3F&toggle=Sanctions%20and%20penalties%20for%20breaking%20speed%20limits%20%E2%80%93%20speed%20limit%20at%20most%2060%20km%2Fh%20&toggle=Traffic%20penalty%20fee%20and%20driving%20ban>):

Excess speed	Traffic penalty fee (EUR)
1–10 km/h	100
11–15 km/h	170
16–20 km/h	200

Excess speed	Penalty in day fines (typical offence) *	Day fine range
21–23 km/h	12	8–16
24–26 km/h	14	10–18
27–29 km/h	16	12–20
30–32 km/h	18	14–22

33–35 km/h	20	16–24
36–38 km/h	22	18–26
39–41 km/h	24	20–28
42–44 km/h	26	22–30
45–47 km/h	28	24–32
48– km/h	Causing a serious traffic hazard unless the circumstances indicate that the offence fulfils the criteria for causing a traffic hazard.	

Ne bis in idem

The driving ban imposed after exceeding the maximum allowed number of violations in a one or two year period is not considered as *bis in idem* since the driving ban is a direct consequence of accumulating too many repeat offences:

The main content of this decisions is about following. In spite of the different time of imposing the driving ban based on two speeding violations sanctioned with fines, the driving ban is not a separate and new sanction. The imposing of the driving ban belongs to consequences of repeated offences regulated in the Finnish justice system. So, it is not a "ne bis in idem"-case.

This argumentation was explicitly confirmed by the Supreme Court of Finland (cf. <https://www.kho.fi/fi/index/paatokset/vuosikirjapaatokset/1401875578012.html>, only available in Finnish).

2.1.2.5 Educational measures and courses

Apart from the "driving ban training" for novice drivers described above, no other educational measures are applied in Finland.

Alcohol interlock

Drivers imposed a driving ban due to drink driving may apply to an alcohol interlock programme in order to get a conditional interlock driving license (<https://ajokortti-info.fi/en/changes-driving-license/alcohol-interlock-driving-license>):

You should supply the police with a certificate from a physician or other healthcare professional stating that you have attended a substance abuse service appointment where intoxicant use, its health impacts and treatment options were discussed.

After the police have processed the aforementioned documents, you should submit an application for a new driving license with an alcohol interlock [special condition \(69 / 111\)](#) to an [Ajovarma office \(External link\)](#) or online using [Traficom's e-Services \(External link\)](#).

2.1.2.6 License reinstatement

As a general rule, drivers facing a driving ban can recover their license at the police station after expiry of the driving ban on simple request (cf. <https://poliisi.fi/en/driving-bans>):

Your right to drive will be reinstated after the expiry of the driving ban or temporary driving ban once you have visited the police station of your place of residence, where the police will return your driving license or issue you with an interim driving license. The driving license may also be picked up by a holder of a power of attorney.

Retaking the theoretical or practical driving examination is not a requirement to recover the driving license after expiration of the driving ban period either.

In some cases the police can order a medical evaluation of fitness to driver (cf. <https://poliisi.fi/en/monitoring-the-medical-fitness-to-drive>) but this is a general regulation that is not specific for repeat offenders:

The police may order you to submit a medical certificate or a comprehensive medical report about you meeting the health requirements by a specific date if there is reason to suspect that

you no longer meet the health requirements for being granted a driving license permit, or

due to your state of health, you can no longer drive safely the kind of vehicle which you have a right to drive.

On the same grounds, you can be ordered to submit a certificate of the completion of a driving demonstration or a new driving test by a specific date.

2.1.2.7 Novice drivers and other specific groups of drivers

As described above the number of offences allowed within a one or two-year period are lower for novice drivers (holding a license for less than two years): two sanctions in a one year period or three in a two year period. Novice drivers with a driving ban also have to follow driver improvement courses in order to be reinstated.

2.1.3 Educational measures in- and outside a possible DPS system

Apart from the driver training for novice drivers described above no other educational measures are used to sanction repeat offenders in Finland.

Novice driver training courses are not only a requirement for novice drivers with repeat offences, but also for first offenders committing a serious offence.

2.2 Norway

2.2.1 General logic and functioning of the system

Implemented in 2004, the demerit point system (DPS) was originally applied to speeding, priority violations, driving against red traffic light, and illegal overtaking offences. Since then, it has been adapted two times. First in 2011, after the system evaluation on experiences from 2004-2007, the DPS was extended and strengthened by inclusion of additional offenses and the introduction of double penalty points for novice drivers. The second adaptation occurred in 2019 is related to mobile use behind the wheel.

Commonly, violations are recorded by police. In the event of speeding offences, they are registered in different ways: 1) By police (using mostly laser guns, or sometimes by following speeding cars over time and recording speed by in-vehicle cameras in the police car); 2) Automated roadside speed cameras measuring point speed; 3) Automated roadside speed measuring average speed between two camera points.

In general, a violation entails three penalty points for drivers holding a full license, except for minor speed limit transgressions and for failing to secure passenger under the age of 15, which result in two points. The drivers with a probationary license (first two years of solo driving – novice drivers), incur twice as many demerit points for each violation, compared to full-license drivers.

Norway operates a penalty points system of a maximum eight penalty points which remain active for three years. Three years after the date of the latest infraction, the points are cleared up and the balance starts again from zero. When the eight-point threshold is reached, the driving license of the driver is revoked for six months. After collecting four points, the offender will receive a warning letter informing him/her about the points load and the possible consequences of additional points loads. There is no specific rule for the novice driver, except that they will reach the eight points thresholds faster due to the doubled points system.

There are three categories of infractions:

- *Minor offences – no consequence on the driving license, only a standard fee*

The first category refers to minor infractions that are not included in any registration system. These offences are dealt with administrative proceeding and sanctioned by predefined fee issued by the police on the spot. The drivers can accumulate as many infractions as they want, or as they can afford. These predefined fees accepted on the spot are not registered. If the fine is accepted, the case is closed. Otherwise, the case is taken to court and decided by criminal proceeding.

- *Moderately severe offences – no direct consequence on the driving license, but standard fines and penalty points*

This category of infractions refers to serious offences dealt with by predefined fines and penalty points. In this case, the offender will be sanctioned with a fixed fine and, in addition, two or three penalty points (see list below). Whereas the fixed fines are not registered, penalty points will be registered in the Penalty Point Register ("Prikregisteret").

Concerning the predefined fees and fixed fines, they can be rejected on the offender decision. In addition, a fixed fine or a predefined fee issued on the spot will lapse if not approved immediately. For fines issued in retrospect, it lapses if it is not paid by the deadline. In case the fine is rejected or has lapsed, the case is taken to court and decided by criminal proceeding.

- *Severe offences – Fines or monthly income-based fines, potential prison sentence and possible consequences on the driving license*

This third category refers to all the traffic infractions corresponding to driving under the influence of alcohol or drugs, or traffic violations leading to serious personal injury or death, or in cases of reckless driving. These offences might include speeding violation causing an injury to another person.

The severe offences are only sanctioned in the criminal proceedings. These cases will be put before and sanctioned by the district court. The fines decided by court are registered in a National Fine Register

("Reaksjonsregisteret", previously termed "Bøterregisteret"). The penalty points will thus result from the final court decision (i.e., a final and enforceable judgment).

Four databases are managed to register the infractions, but at different levels:

- The "Prøkkregisteret" (Penalty Point Register): this database is used to register all the penalty points collected from the infractions included in the "point system", after an administrative proceeding but also after a criminal proceeding (in case of appeal, for example).
- The "Reaksjonsregisteret" (National Fine Register): this database is only used for the registration of fines sanctioned by the criminal proceeding.
- The "Autosys" is the License register applied to store the driving revocation and driving license.
- The "Strafferegisteret" corresponds to the criminal record and collect all sentences resulting from criminal proceedings, such as a prison sentence or similar. If a driver appeals against a predefined fine (in the administrative proceeding), his/her case will be judged by a court. The court's sanction will be recorded in his/her criminal record (if the person has had not appealed and has had paid the predefined fine, there would have been no record in the "Strafferegisteret". This could be seen as "one good reason" not to appeal from an administrative fine).

2.2.2 Characteristics of the system for treating repeat offences

2.2.2.1 Infractions included

If you are registered by speed cameras (automatic speed enforcement) or if the police stop you for the commitment of an offence that carries a fixed fine or a fixed fine and penalty point, you can accept the on-the-spot fine or the ordinary fine, or you take the case to court. The offender does not have the right to appeal against the registration of penalty points.

The minor offences charged with predefined fees and not included in the offences charged with penalty points are:

- Driving without wearing a seatbelt (also applies to buses where this is fitted)
- Driving in violation of traffic signs, including in public transport / shared use fields, no entry, against one-way driving, against the required direction of travel, in the pedestrian zone.
- Driving without giving the required signal (turn signal), without having the required light on, with lights being used incorrectly, faults in the dipped beam / high beam or daytime running lights, without having sufficient visibility, for many people in the vehicle, driving in the terrain and on the road not open to ordinary traffic.
- Driving with a vehicle under 3.5 tons permitted total weight where the parking brake does not work
- Driving with vehicles over 3.5 tons permitted total weight where the parking brake does not work
- Missing features
- Vehicles on motorways that cannot legally drive at least 40 km/h on motorways or expressways
- Driving with studded tires out of season
- Driving with studded tires without permission in the four largest cities (Oslo, Bergen, Trondheim, and Stavanger)
- Driving with tires with too small tread depth
- Missing driver's license, vehicle card, warning triangle while driving, driving without a speedometer or with an error on it.
- Do not have valid insurance on vehicles subject to insurance

But alongside the minor offences, there are 12 serious offences sanctioned within the administrative proceedings. For these offences, the drivers will be sanctioned with a fixed fine and penalty points. In general, a violation entails three demerit points, excepted for four specific infractions, for full-license drivers and six points for probationary-license drivers (or novice drivers).

Three infractions are sanctioned with two penalty points for full-license drivers and four points for novice drivers:

- speeding by 11-15 km/h in a 60 km/h or lower area
- speeding 16-20 km/h in a 70 km/ or higher
- failing to secure passenger under the age of 15

Before 1st January 2021, violating mobile use ban was charged with 2 penalty points (and a NOK 1.500 fixed fines). Since, this violation has been upgraded to 3 penalty points offences and the fixed fine is up to NOK 5.000 (it has been tripled).

Anyone who is registered with at least four points will be notified in a written warning as soon as possible about the points load and the possible consequences of additional points loads.

A list has been established with the 12 offences and the corresponding penalty points. The legal regulation of points load with the infractions list and adjacent points is available online, on minimum two websites: the foundation for developing and maintaining system for legal information (www.lovdata.no)¹ and the Norwegian Public Roads Administration (www.vegvesen.no)³.

Table 1. Violations' list and corresponding penalty points, Norway.

Exceeding the speed limit by 11-15 km/h where the speed limit is 60 km/h or lower	Two penalty points
Exceeding the speed limit by 16 km/h or more where the speed limit is 60 km/h or lower	Three penalty points
Exceeding the speed limit by 16-20 km/h where the speed limit is 70 km/h or higher	Two penalty points
Exceeding the speed limit by 21 km/h or more, where the speed limit is 70 km/h or higher	Three penalty points
Running a red light	Three penalty points
Unlawful overtaking	Three penalty points
Failure to give way when required	Three penalty points
Driving through a hatched area	Three penalty points
Driving too close to the vehicle in front	Three penalty points
Driving an illegally tuned motorcycle/moped	Three penalty points
Failing to secure passengers under the age of 15	Two penalty points
Violating the ban on using the mobile telephone	Three penalty points

Specific Offence - DUI

Concerning the severe offences, such as alcohol intoxication of a driver, the offenders may face cumulated sanction: fines, prison sentence and license revocation. Alcohol intoxication violation is the only violation charged with fines based on the monthly gross salary of the offender.

Drink-driving violations may appear to be particularly rigorously sanctioned. With a BAC 0.2 g/l, Norway applies stricter limits for drink-driving offences, compared to other European countries, and drink-driving is considered as a severe infraction. The criminal proceedings will be automatically initiated. Three levels of intoxication are established:

¹ For more information, see: <https://lovdata.no/dokument/SF/forskrift/2003-09-19-1164>

² See in detail and in English: <https://www.vegvesen.no/en/driving-licenses/driving-license-holders/penalty-points/>

³ See in detail and in English: <https://www.vegvesen.no/en/driving-licenses/driving-license-holders/penalty-points/>

- between 0.2‰ and 0.5‰: the offender receives a monthly income based fine (corresponding to one-month gross salary) and the offence will be registered in criminal record. License revocation is normally not charged. Exception made for the novice drivers: loss of driving license is nevertheless determined by up to one year.
- between 0.51‰ and 1.2‰: the offender faces a monthly income based fine (corresponding to 1.5-month gross salary), a conditional or unconditional prison sentence and a license revocation of one year or more.
- above 1.2‰, the offender will be sanctioned with an unconditional prison sentence, a monthly income based fine (corresponding to 1.5-month gross salary) and a license revocation for one year or more.

It is noteworthy to indicate that interlocks are mandatory on all busses and minibuses (ETSC 2019).

The legal framework states⁴:

Anyone who violates section 22 [Intoxication of motor vehicle driver], first paragraph, is generally punished:

a. with a fine in the case of an alcohol concentration in the blood up to and including 0.5 per mille or an alcohol concentration in the exhaled air up to and including 0.25 milligrams per liter of air, or in the case of a specific concentration in the blood of another intoxicating or narcotic,

b. with a fine and conditional or unconditional imprisonment for an alcohol concentration in the blood above 0.5 to 1.2 per mille or an alcohol concentration in the exhaled air above 0.25 to 0.6 milligrams per liter of air, or for a specific concentration in the blood of other intoxicating or narcotic,

c. with a fine and unconditional imprisonment for an alcohol concentration in the blood above 1.2 per mille or an alcohol concentration in the exhaled air above 0.6 milligrams per liter of air, or for a specific concentration in the blood of another intoxicating or narcotic.

(Source: lovdata.no)

In case of repeated offences for DUI during the last five years, the driving license of the offender is revoked forever⁵ (except for alcohol level under 0.5‰).

If the licensee has previously been punished for violation of § 22, cf. § 31, and he is punished for a new violation of § 22, cf. § 31 which has been committed no later than 5 years after the reaction was determined for the previous violation, the right to drive a motor vehicle subject to a driver's license is revoked forever. However, this does not apply to violations as mentioned in section 31, second paragraph, letter a⁶.

(Source: lovdata.no)

Specific Offence – Speeding

Speed offences are commonly sanctioned with standard fines and penalty points. Compared to Belgium, these standard fines are quite expensive. In the event of severe speed violation such as riding above 26km/h or higher in a 60 km/h area or above 36km/h or higher in a 70 km/h area (and higher), the simplified fine cannot be imposed to the offender and he or she will thus be charged within the criminal proceeding with a heavier fine and a potential community work sanction or a prison sentence.

The following table provide an example of the simplified fines for the different degrees of speeding:

when the on-site speed limit is 60 km/h or lower, and the speed exceedance is:		
up to and including 5 km / h	NOK 850, -	€ 81
up to and including 10 km / h	NOK 2 250, -	€ 215
up to and including 15 km / h	NOK 4 050, -	€ 387
up to and including 20 km / h	NOK 5 850, -	€ 559
up to and including 25 km / h	NOK 9 050, -	€ 865

Source: <https://lovdata.no/>

Note: 1€ = 10.47NOK

⁴ https://lovdata.no/dokument/NL/lov/1965-06-18-4/KAPITTEL_5#%C2%A731 (Translation from Norwegian into English with google translate)

⁵ This undetermined period corresponds to a 5 years period of time

⁶ Ibidem.

2.2.2.2 Point calculation

The point system applies only to moderately severe offences. Minor and severe offences are not included in the penalty points system. Examples of minor offences are given to illustrate the process.

Minor offences – Predefined fines – no penalty point

Minor or light offences are sanctioned with a predefined fines (which can be called traffic penalty fee) and these offences are not registered. These minor offences are related to low speeding violation, seatbelt use for drivers and passengers (above 15 years old), failure in using the direction indicators...

– Case example #1: Repeated light speeding offences

An offender has accumulated over the last 2 years, a total three speeding offences in driving 5 km/h above the 50 km/h limit. More precisely, 2 years ago, this offender committed a speeding violation by driving at 55km/h in an area with a speed limit of 50 km/h. One year ago, he/she committed again the same offence. Today, he/she has committed for the third time the same offence.

- ⇒ Each offence is sanctioned by a fixed fine of NOK 850 (approx. 85 euro) and there are no penalty points. The previous offences have no effect on the sanctions for the latest offence.

– Case example #2: Driver seatbelt and light speeding offence

Today, an offender is caught while driving without seatbelt and driving 9 km/h above the speed limit in a 50 km/h area.

- ⇒ The seatbelt offence and speeding violation will result with predefined fines: NOK 1500 for not using the seatbelt, NOK 2,250 for the speeding offence under 10 km/h above the speed limit. And as there is multiple fines at the same time, a 50% discount will be given for the penalties, except on the largest one. This means, this offender will have to pay NOK 3,000.

Moderately serious offences – Standard fines and Penalty Points

The offences included in the "point system" will lead to a driving ban of six months in case of repeat offences eight points have been accumulated over three years time. In general, a violation entails three demerit points, excepted for four infractions where it is two points, for full-license drivers. For novice drivers, these points are doubled. Four specific violations entail two penalty points for full-license drivers (and then four penalty points for novice drivers) (see in the previous section: 2.2.2.1 infractions included).

In case you are caught for several offences at the same time or in a time frame of three years, the penalty points for each offence will be added up. When you reach the four-penalty points threshold, you will receive a warning letter informing you on your points load and the possible consequences of additional point loads. Penalty points will be deleted three years after the date on which you signed the fine, or three years after the final court decision.

– Case example: Multiple speeding offences included in the "point system"

An offender has accumulated over the last 2 years and every 6 months, a total five speeding offences in driving 15 km/h above the 50 km/h limit.

- 2 years ago: driving 65 km/h in an area with a speed limit of 50 km/h
- 18 months ago: the same offender committed again the same offence
- 1 year ago: the same offender committed again the same offence
- 6 months ago: the same offender committed again the same offence
- today: the same offender committed again the same offence

- ⇒ *This infraction corresponds to two penalty points ("speeding by 11-15 km/h in a 60 km/h or lower area" = 2 points). For each offence, the driver collects 2 points*

- ⇒ *This driver will have had his license revoked after the fourth offence, 6 months ago. Two points per infractions would have been This means that the offence committed today would probably have been a case of unlicensed driving and this is handled in a criminal proceeding.*
- ⇒ *If this offender had got his/her license back before the latest offence, penalty point balance would have been set to zero at the start of disqualification, and the new offence would increase the balance to two points.*

If you reach the eight-penalty points threshold, your driving license will be revoked for six months. To regain his/her driving licenses, the novice drivers will be required to pass the full licensing test (including the two years of probationary driving). This is not the case for the full-licensed drivers. When you regain your driving entitlements, the penalty points that led to the loss of driving entitlements will be deleted.

For all the offences dealt within the administrative proceeding (with or without penalty point), the "Regulations on simplified fines in road traffic cases" provides the list of the fine's amounts. In case the fine is not paid, days of imprisonment are foreseen, and the number of days is in function of the fine amount (e.g.: 3 days imprisonment if unpaid fine of NOK 4.000; 15 days imprisonment if unpaid fine of NOK 10.500)⁷.

Finally, it is noteworthy to indicate that the police officers are entitled to determine the sanction in the administrative proceeding. This means that no prosecutor or lawyer has to intervene in the process.

Severe violations and crimes – Fines based on gross salary, Prison sentences and license withdrawal

All severe violations are dealt with in the criminal proceeding. In these cases, the district court will decide on the sanction, having the possibility to give a monthly gross salary based fine, to give a prison sentence or a license revocation.

For violation part of the "point system", if the offender appeal of the administrative sanction, it will be dealt with the district court. At the end of the criminal sanctioning process, the penalty point will be attributed to the offender.

– Case example: Drinking and driving

Two years ago, an offender was caught with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air). One year later, the same offender committed the same offence. Today, the same offender has committed for the third time the same offence.

- 2 years ago: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air)
- 1 year ago: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air)
- today: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air)

- ⇒ Each offence is sanctioned by a fine amounting to 1.5 times the driver's monthly income, license revocation for at least 1 year, and a conditional imprisonment sentence. Due to the first offence, the revocation would have been considerably extended (more than one year) at the second offence. And then, in the case of an extended revocation for the second offence, then the third offence would have been an "unlicensed driving offence".

Responsibilities of the police

In practice most offences, from minor (dealt with fixed fee) to moderately serious (dealt with predefined fines) are processed by the police authorities, and more particularly, the police officers. Before the digitalization of the system, the fixed fines and fees had to be signed by a jurist before sending. But thanks to the digitalization and an adaptation of the police officers training, the latter are now authorized to issue the fees and fines related to the administrative proceeding. With the new system, there is no more need of jurist or prosecutor. The digitalization also involves the use of a mobile app for the police officers.

Only for severe traffic crimes and cases of dangerous driving causing harm to others, the procedure is referred to court. This means that an instruction will be led by a prosecutor.

⁷ For details, see: <https://lovdata.no/dokument/SF/forskrift/1990-06-29-492/%C2%A71#%C2%A71>

2.2.2.3 Point recovery

There is no possibility for the drivers to recover “merit points”. The points history is cleared up:

- three years after the last infraction and the balance starts again from zero.
- Or after the six months revocation due to the eight-penalty points threshold (see here below). And then the penalty point balance restarts from zero.

2.2.2.4 Licensing measures and driving bans for repeat offenders

Licensing measures occur in the two proceedings, the administrative and the criminal ones, but they are the results of the different situation. The former is a consequence of the point system, the latter is a sanction imposed by a judge.

The Regulation Act of points load states:

§ 4. Loss of driving license

Anyone who is registered with eight points or more in the course of three years shall lose the driving license for six months. The three-year period is calculated for each individual violation. Calculation of the period takes place from the time when the previous violation was legally decided to the time of the crime for the last violation for which a penalty is imposed.

When the driver regains the right to drive after it has been lost, the points that were the basis for or were considered in the loss of the right shall be deleted from the register⁸.

(Source: lovdata.no)

The driving license is thus revoked for six months when the driver reaches the eight (or more) penalty points threshold. After the six months, the driver will regain his/her driving license and the penalty points that led to the loss of driving entitlements will be deleted. For the novice drivers, the scenario is a bit different. To regain the driving licenses, the novice drivers will be required to pass the theoretical and the practical driving exams. This is not the case for the full-licensed drivers. When you regain your driving entitlements, the penalty points that led to the loss of driving entitlements will be deleted.

A court sanction a driver to a driving ban. In this case, the driver may face 2 situations:

- if it is a six up to 12 months driving revocation, the offender must succeed the practical test
- if it is a driving revocation for more than 12 months, the offender must pass the practical and theoretical tests.

Based on the roundtable organized with Norwegian stakeholders for this research, it appeared that an offender can be revoked from driving for maximum 5 years, period that correspond to the “undetermined period” an offender can be charged. The Norwegian experts taking part to the discussion emphasis the fact that this “forever” revocation of the driving license is a theoretically undetermined period. In practice, the offender has the possibility to apply for a new driving license, by passing the practical and theoretical tests. However, based on the criminal record and the potential risk the offender represents for the other road users’ safety, the right to drive may be denied.

2.2.2.5 Educational measures and courses

There is no mandatory courses or training included in the demerit point system. Neither as a sanction or as a alternative measure to regain points.

2.2.2.6 License reinstatement

As explained above, for full-license drivers, there are three situations:

- Short revocation, less than six months, as a consequence of penalty points, no new driving test is required.
- Revocation between six and 12 months implies the practical driving test to regain the driving license.
- Revocation for one year or more implies to pass both exams: the theoretical and the practical.

⁸ <https://lovdata.no/dokument/SF/forskrift/2003-09-19-1164>

For novice drivers, as soon as the 6-month ban on driving is imposed, practical and theoretical tests are compulsory in order to get the driving license back.

2.2.2.7 Novice drivers and other specific groups of drivers

As described above, the first two years after the first-time acquisition of a driving license is a probationary period. In this period, the number of penalty points is doubled, which means six points for most infractions (and four for two minor offenses – see previous list of offenses for the ordinary number of points). A consequence of this is that drivers in the probationary period reach eight penalty points after only two infractions and are disqualified from driving for six months. They are also required to take a full licensing test to get their license back.

2.2.3 Educational measures in- and outside a possible DPS system

There is no mandatory course for traffic offenders in Norway, but educational programs exist for drivers (and novice drivers) caught for drinking and driving. These programs are on voluntary basis and are not very successful.

2.3 Portugal

2.3.1 General logic and functioning of the system

From the 1st of June **2016**, a Demerit Point System is introduced in Portugal. A total of **12** (twelve) points is given to each driver on its driving license. For each serious offence, very serious offence or road traffic crime, points will be **subtracted** to the driver license. If a driver was not convicted of a serious, very serious offences or road traffic crimes in a period of three years, points can be **added** to the driver license.

In Portugal, there is a distinction between light, serious and very serious traffic offences:

- **Minor offences** are those offences punishable by a fine (financial penalty). Minor infractions, which are punishable only by a fine, are filed upon voluntary payment. Portuguese law does not provide a referral to court for the repeated practice of various minor infractions.
- **Serious and very serious offences**, which are typified in the Highway Code, are punishable, beyond the fine, with the accessory sanction of driving inhibition.

A **repeat offender** is considered to be an offender who commits an administrative offence imposed with an accessory sanction (driving ban), after having been convicted of another administrative offence to the same legal diploma or its regulations, committed for less than five years and also sanctioned with an accessory sanction.

This means that in order to qualify as recidivism, the accused must violate the rules of the same law that was violated and for which he was previously convicted, which does not necessarily mean that he has committed the same offence. In the legal framework only serious infractions, very serious and traffic crimes are considered for the determination of recidivism.

Road safety infractions described in the Portuguese Highway Code are considered as administrative offences of non-criminal nature. The processing of those infractions is done by an administrative entity, the National Road Safety Authority (Autoridade Nacional de Segurança Rodoviária – ANSR) and in some cases light offences by the municipal chambers, within the respective jurisdiction area. The administrative decision can be appealed in court.

The criminal procedure is only promoted, before the judicial courts, when the conduct constitutes a road crime, as typified in the Portuguese Penal Code, or in case of non-compliance with the administrative decision.

2.3.2 Characteristics of the system for treating repeat offences

2.3.2.1 Infractions included

Infractions under Administrative Proceedings – Serious offences

- The traffic of vehicles in the opposite direction to the established one;
- Excessive speed practiced outside urban areas exceeding 30 km/h over the legally imposed limits, when practiced by the motorcycle or car driver, or above 20 km/h, when practiced by a driver of another motor vehicle;
- Excessive speed practiced within urban areas exceeding 20 km/h over the legally imposed limits, when practiced by the motorcycle or car driver, or above 10 km/h, when practiced by a driver of another motor vehicle;
- Excessive speed exceeding 20 km/h over the speed limits established for the driver or specially fixed for the vehicle;
- Traffic with excessive speed for the characteristics of the vehicle or the road, for the weather or traffic conditions, or in cases where the speed must be especially moderate;
- Failure to comply with the rules and signs relating to the distance between vehicles, giving way, overtaking, changing direction or lane, reversing the direction of travel, start and motion position, reversing and crossing the level crossings;
- Stopping or parking on the side of motorways or similar roads;
- Failure to comply with traffic rules for heavy vehicles and groups of vehicles, on highways or similar roads;
- Driving under the influence of alcohol, when the blood alcohol rate is equal to or greater than 0.5 g/l and less than 0.8 g/l or equal to or greater than 0.2 g/l and less than 0.5 g/l when it concerns a driver

on a probationary basis, driver of a rescue or urgent service vehicle, collective transport for children and young people up to 16 years of age, taxi, ride-hailing, heavy passenger or goods car or transport of dangerous goods;

- The traffic of vehicles without the use of lights (from dusk to dawn and also during the day whenever there are weather or environmental conditions that make visibility insufficient, namely in case of fog, heavy rain, snowfall, clouds of smoke or dust...), as well as the traffic of motorcycles and mopeds without the use of dipped beam lights;
- Failure to use the hazard pre-signaling signal and hazard warning lights;
- It is prohibited for the driver, while the vehicle is in motion, to continuously use or handle any type of equipment or apparatus likely to impair driving, including audible headphones and radiotelephone devices;
- Stopping and parking at passages marked for pedestrians or bicycles to cross;
- The transport of minor or non-imputable passengers without the use of mandatory safety equipment.
- Stopping and parking in a place reserved for people with disabilities limited in their mobility by any driver who is not authorized to do so.
- The circulation of a vehicle without civil liability insurance
- The circulation of vehicles under the terms of paragraph 6 of article 112 (Anyone who travels on a scooter or circulation device with an electric, self-balanced and self-propelled motor or in an analogous circulation medium with an engine, equipped with an engine with maximum continuous power greater than 0.25 kW or reaches a maximum speed at a level greater than 25 km/h , in disregard of the technical characteristics and circulation regime provided for in the previous number, is sanctioned with a fine of (euro) 60 to (euro) 300.)

Infractions under Administrative Proceedings – Very serious offenses

- Stopping or parking on lanes, outside urban areas, less than 50 m from intersections and junctions, bends or bumps with insufficient visibility, and also stopping or parking on highways or similar lanes ;
- Parking, at night, on lanes, outside urban areas;
- Failure to use the danger pre-signaling signal, as well as the lack of signaling of immobilized vehicle due to breakdown or accident, on highways or similar roads;
- The use of high beams in order to cause glare;
- The entrance or exit of motorways or similar roads through places other than the accesses for these purposes intended;
- The use, on motorways or similar roads, of traffic separators or openings that may exist in them, as well as traffic on the roadside;
- The traffic of vehicles in the opposite direction to the established one when committed on motorways, similar lanes and lanes with more than one lane of traffic in each direction;
- Failure to comply with the rules and signs relating to the distance between vehicles, giving way, overtaking, changing direction or lane, reversing the direction of travel, start and motion position, reversing and crossing the level crossings when committed on motorways or similar roads;
- The traffic of vehicles without the use of lights (from dusk to dawn and also during the day whenever there are weather or environmental conditions that make visibility insufficient, namely in case of fog, heavy rain, snowfall, clouds of smoke or dust...), as well as the traffic of motorcycles and mopeds without the use of dipped beam lights when driving on motorways or similar roads;
- Excessive speed practiced outside urban areas exceeding 60 km/h over the legally imposed limits, when practiced by the motorcycle or car driver, or above 40 km/h, when practiced by a driver of another motor vehicle;
- Excessive speed practiced within urban areas exceeding 40 km/h over the legally imposed limits, when practiced by the motorcycle or car driver, or above 20 km/h, when practiced by a driver of another motor vehicle ;
- Excessive speed exceeding 40 km/h over the speed limits established for the driver or specially fixed for the vehicle
- The offense provided for in subparagraph I) of paragraph 1 of the preceding article, when the blood alcohol rate is equal to or greater than 0.8 g/l and less than 1.2 g/l or equal to or greater than 0.5 g/l and less than 1.2 g/l when it concerns a driver on a probationary basis, driver of a rescue or urgent service vehicle, public transport for children and young people up to 16 years old, taxi, ride-hailing, heavy vehicle for passengers or goods or for transporting dangerous goods, as well as when the driver is considered influenced by alcohol in a medical report;
- Failure to comply with the obligation to stop imposed by regulatory signal from the traffic inspection or regulatory agents or by the red traffic regulation light;

- Driving under the influence of psychotropic substances;
- Failure to comply with the mandatory stop sign at intersections, junctions and roundabouts;
- Transposition or circulation in disregard of a continuous longitudinal line delimiting traffic directions or a mixed line with the same meaning;
- Driving a vehicle of a category or subcategory for which the driving license held by the offender does not confer a license;
- The driver's abandonment of the accident spot.

Infractions under Criminal proceedings – road traffic crimes

- Driving under the influence of alcohol BAC level $\geq 1,2\text{g/l}$ /drugs;
- Driving without driving license or illegal authorization;
- Dangerous driving;
- Offense to physical integrity in a road accident;
- Homicide by negligence in a road accident;
- Omission of help in a road accident.

In the case of serious or very serious offences and also road crime convictions that apply a driving inhibition or prohibition, the decisions and sentences are registered in the Driver's Individual Register (Registo Individual do Condutor – RIC). The RIC constitutes a database which contains the history of convictions that imply the inhibition or prohibition of driving, the competence of maintaining and updating the database belongs to ANSR. Each endorsement remains in RIC for a period of five years, after which they're excluded.

Regarding light offences, the registry is carried out in the Information System for the Management of Records (Sistema de Informação e Gestão de Autos – SIGA), also maintained by ANSR, and remains for a period of archival conservation of 1 (one) year after the decision became final for light offences and 7 (seven) years after the decision became final for serious and very serious offences.

In the case a driver cannot be identified, for example in the case of automatic speed cameras, the owner of the car is held liable for the offence.

2.3.2.2 Point calculation

The subtraction of points occurs in the following cases:

- 2 points – general serious offence (see paragraph 2.3.2.1)
- Drink-driving, with an alcohol reading equal or higher than 0,5 g/l and lower than 0,8 g/l or equal or higher than 0,2 g/l and lower than 0,5 g/l when concerning a novice driver, rescue or emergency vehicles driver, driver of public transports for children and youngsters until 16 years old, taxi driver, ride-hailing driver, bus or heavy goods vehicle or transport of dangerous goods driver (3 points – major offence);
- Excessive speed higher than 20 km/h (motorbikes or cars) or higher than 10 km/h (other motor vehicles) in coexistence areas (3 points – major offence).
- Overtaking in duly signed zebra crossings or immediately before, and in pedal cycle routes (3 points – major offence).
- 4 points – very serious offence (see paragraph 2.3.2.1)
- Drink-driving, with an alcohol reading equal or higher than 0,8 g/l and lower than 1,2 g/l or equal or higher than 0,5 g/l and lower than 1,2 g/l when concerning a novice driver, rescue or emergency vehicles driver, driver of public transports for children and youngsters, until 16 years old, taxi driver, ride-hailing driver, bus or heavy goods vehicle or transport of dangerous goods driver, as well as when the driver is considered to be under the influence of alcohol by medical report (5 points – very serious offence);
- Driving under the influence of drugs (5 points – very serious offence);
- Excessive speed higher than 40 km/h (motorbikes or cars) or higher than 20 km/h (other motor vehicles) in coexistence areas (5 points – very serious offence).
- 6 points – road traffic crime (dealt with in court; see paragraph 2.3.2.1).

In the case of serious and very serious offences committed on the same day, the subtraction to be carried out cannot exceed six points, except when the conviction is involved for offences related to driving under the influence of alcohol or under the influence of psychotropic substances, whose subtraction of points is verified in any circumstance.

2.3.2.3 Point recovery

At the end of each three-year period, with no record of serious or very serious offences or crimes of a traffic nature in the register of infractions, three points are awarded to the driver, and the maximum limit of fifteen points may not be exceeded.

The points system in Portugal predicts that for each period corresponding to the revalidation of the driving license, one point can be added, up to the maximum limit of sixteen points, whenever the driver voluntarily attends a training session.

2.3.2.4 Licensing measures and driving bans for repeat offenders

Revocation of the authorization to drive may occur in the following situations:

- By administrative revocation whenever all points have been subtracted from the driver, in this case a new driving license is not granted for the next two years;
- By court decision in criminal proceedings, in this case the driving ban can last up to five years.

The cancellation of the driver's license is registered in the Driver's Individual Register and communicated to the Mobility and Transport Institute (IMT, I.P.), which is the competent authority in the field of driver's licenses and responsible for the national driver database.

The Licensing measures and driving bans for repeat offenders depend on whether the offence is classified as serious or very serious:

- Serious offences: a minimum driving ban of 1 month and a maximum of 1 year;
- Very serious offences: a minimum driving ban of 2 months and a maximum of 2 years.

Driving licenses must be confiscated to comply with the cancellation of the title, prohibition or disqualification from driving. If the driver does not deliver the driving license, his arrest is determined through the enforcement authority, as well as the promotion of the respective process for crime of disobedience.

If the defendant practices driving while being inhibited or prohibited from doing so by a final judgment or final administrative decision that applies an additional sanction, it is punished for a crime of qualified disobedience.

An offender who commits a very serious offense and has not committed, in the last five years, any serious or very serious offense or fact sanctioned with a prohibition or disqualification from driving, and provided that he has paid the fine, may the minimum and the maximum additional penalty imposed for very serious administrative offenses should be halved. In very serious offences, suspension of the execution of driving inhibition is not allowed.

2.3.2.5 Educational measures and courses

Regarding mandatory Road Safety training actions, this is provided for, when the driver has five or fewer points.

The rules are defined for the frequency of road safety training actions and for the theoretical test of the driving test, within the scope of the points system and cancellation of the driving license. The rules of training actions for the attribution of a point when revalidating the driving license are also regulated, one of the situations that allows the driver to add points instead of losing them.

It should be noted that, in connection with the instruction of the administrative proceedings, there is the possibility of suspending the execution of the accessory sanction of disqualification, conditioned, for example, on attendance in a training action. In that case, the offender can choose between complying with the disqualification by handing over the driver's license or attending the respective training action (alcohol, speed, other offences (e.g., mobile phone; child restraint systems,)).

2.3.2.6 License reinstatement

When the driver has 3, 2 or 1 point: he will be required to take the theoretical test of the driving test. Unjustified absence or failure in the test implies the cancellation of the driver's license, that is, he is without a driving license and will have to wait 2 two years to take it again, bearing the respective costs.

The administrative revocation (when all points are subtracted from the driver license) leads to a two-year license suspension and the obligation to retake all the driving examinations. If a driver has only three or fewer points, he is required to take the theoretical test of the driving test.

In criminal offenses the judge can decide, singular or cumulative, driving license revocations, following a road safety course, passing exams (theory, practice, psychological, physical, etc.), doing community service and imprisonment.

When it is confirmed that there are well-founded doubts about the physical, mental or psychological fitness or the ability of a driver or would-be driver to drive safely, the competent authority determines that the person undergoes, singularly or cumulatively, a medical assessment, a psychological assessment, a new driving test or any of its tests.

2.3.2.7 Novice drivers and other specific groups of drivers

With regard to administrative infraction proceedings, the law does not make any distinction between young drivers nor does it adopt the concept of "inexperienced drivers". However, the driving license is subject to a probationary regime during the first three years of its validity. The driving title expires if, within that period, the driver is convicted by a court sentence carried out in trial or by administrative decision for the practice of crime related to driving, of a very serious offence or a second serious offence.

If within this period a procedure is instituted against the holder of the driving license which may result in the conviction of a crime for violation of road traffic rules, very serious administrative offence or second serious administrative offence, the probationary regime is extended until the respective decision passes in res judicata or becomes final.

The Portuguese legal system provides for the attribution of three additional points, in each two-year period, to drivers of emergency or emergency service vehicles, public transport for children and young people up to 16 years old, taxis, heavy passenger or goods cars, or transporting dangerous goods, in the exercise of their professional functions, provided that they do not have any record of serious and very serious offences in the individual driver's register.

2.3.3 Educational measures in- and outside a possible DPS system

Educational measures can be voluntary or mandatory.

For each period of revalidation of the driving license, without committing road crimes, and the driver has voluntarily attended a road safety training action, the driver is assigned a point and the limit of 16 points cannot be exceeded.

Within the scope of administrative serious offences, a voluntary training for traffic offenders is an alternative to driving disqualification. In the field of road administrative offences there are no other sanctions in addition, and it is not possible for the offender to choose a certain sanction or measure, except in cases where there is the possibility of suspension of the execution of the accessory sanction of conditioned driving disqualification, for example, to attendance in training action. In this case, the offender can choose between fulfilling the disqualification by handing over his driver's license or attending the training course. But the determination of this possibility is always at the discretion of the Administrative Authority that made the decision.

In order to pass successfully the voluntary training for traffic offenders as alternative to driving disqualification, each participant must attend 12 hours of training, be punctual, and participate actively in the dynamics proposed by the trainer.

The course content is related to the type of infringement and is adapted to the groups of student drivers that are formed with reference to the type of serious infraction committed. The intervention of a clinical psychologist with experience in group dynamics/management is justified by the need to deal and manage group phenomena and the ability to identify drivers with unsafe behaviour for driving task.

Therefore, there are three different programs, targeting three different types of training modules:

- a) "Alcohol" offences.
- b) "Speed" offences.

c) "Other offences" (a specific module whose contents are tailored to address specific topics, such as mobile phone use, child restraint systems, or parking on crosswalks, for example).

Educational measure predicted on penalty point system is mandatory when a driver have 5 or 4 points on their driver licence. A non-justified absence entails the revocation of the driving license, that is to say, you lose your driving license, and you will have to wait two years to regain it again, bearing all duly costs. The course consists exclusively in knowledge transfer. This is not really supported by the Portuguese experts; they are more in favour of a course that aims to change the behavioural intentions of the offenders.

2.4 Switzerland

2.4.1 General logic and functioning of the system

Although Switzerland is not described as a country with a demerit point system, it appears that the so-called "cascade system" implemented to sanction repeat offenders presents some similarities to a demerit system, to some extent. The so-called cascade system, introduced in 2005, implies progressively stricter minimum administrative measures for all repeated cases based on the frequency, the number, and the gravity of the current and previous offences. The cascade system, and thus, the sanctioning of repeat offenders, will only intervene in the case of violations handled in the criminal and in the administrative proceedings. And the administrative proceeding (including warnings, suspension of driving license and driver re-education courses) has similarities with a typical penalty point system by providing progressively stricter sanctions.

Concretely, a traffic offence basically entails both criminal and administrative proceedings, whereby the two procedures are largely independent from each other. Within these two proceedings, a distinction must be made between the offences depending exclusively on the administrative fine by the police and those that will be handled in both proceedings.

The first ones correspond to minor violations or very light offences and are handled in the system of administrative fines (called fixed penalties or "amendes d'ordre" in French). This system is regulated in the Fixed Penalties Act (SR 314.1: Law of 18th March 2016 on fixed fines). With this system, minor violations are defined as offences with no concrete danger to other road users. These offences are punished in a quite simplified way. For this purpose, the most common offences are listed in the annex to the Fixed Penalties Ordinance (SR 314.11) and a fixed administrative fine is imposed, up to a maximum of CHF 300, depending on the severity of the offence. No register is kept of administrative fixed fines imposed. In the next parts of this chapter, we will refer to these offences charged with fixed fines as "very light offences".

In the case of offences against the Road Traffic Act (SR 741.01) that are not on the list or that do not meet the requirements for the applicability of the administrative fine procedure, criminal proceedings are then initiated (Articles 1 to 4 Fixed Penalties Act).

The criminal consequences according to articles 90 and following in the RTA provide for sentences from fees up to four years of custodial sentence.

Parallel to the criminal proceeding the administrative authority starts an administrative proceeding. In the administrative proceeding offences are graded from light to severe (Articles 16 and following Road Traffic Act). This grading is not directly connected to the criminal rating. Administrative proceeding may result in a warning, a withdrawal of the driver's license, a medical or psychological check, additional training, or other conditions. In the following sections of this chapter, those violations will be referred as "light to severe offences".

In practice, when an infraction has been observed, it is determined if it can be handled by a fixed fine or if a criminal proceeding must be introduced. If a criminal proceeding is initiated, a copy of the written report is always sent to the driver and vehicle licensing office of the canton the offender lives in, as it is responsible for eventual administrative measures (see diagram – figure 1 "Criminal and Administrative proceedings, Swiss system"). The cascade system is initiated in the event of reiteration of offences following the second path (b).

The administrative measures charged following the commission of light severe to severe infractions are registered in the SIAC database (see below) and for those measures, the reiteration of offences is considered in the assignment of the new administrative measures.

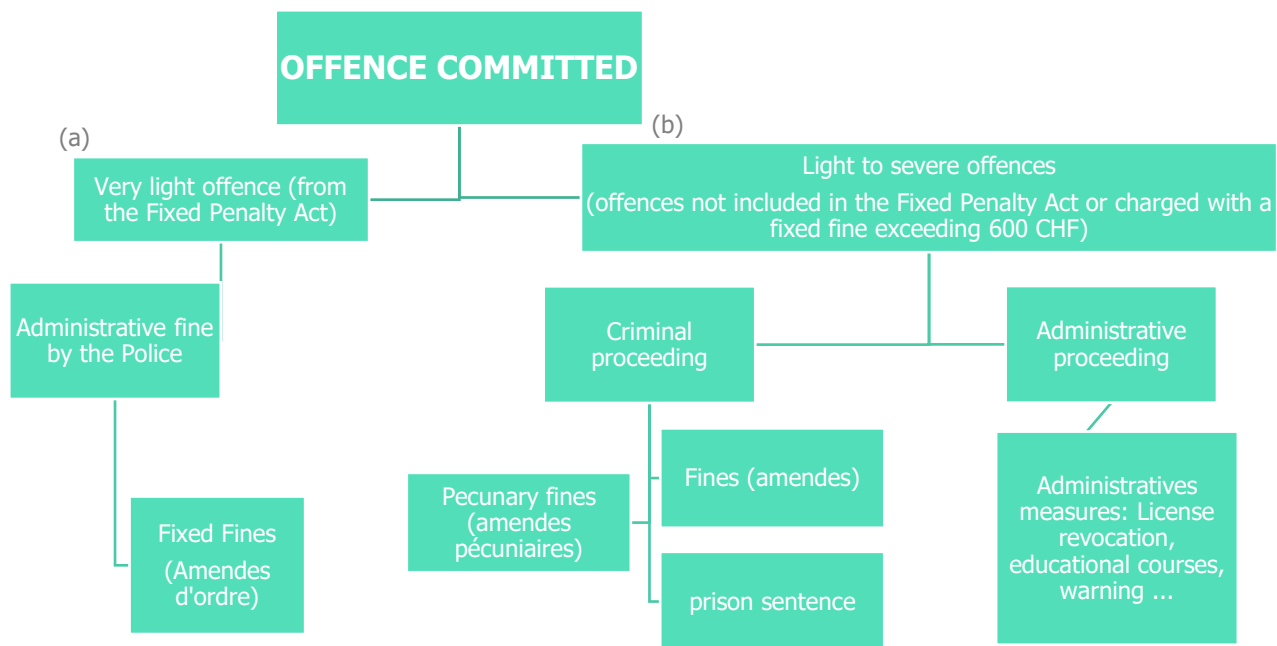


Figure 1. Criminal and Administrative proceedings, Swiss system

2.4.2 Characteristics of the system for treating repeat offences

2.4.2.1 Infractions included

The “cascade system” will intervene in the administrative proceeding in the event of infractions that are handled in criminal and in administrative proceedings. In criminal proceedings not all offences are automatically considered reoffences. As speeding and drinking and driving are handled in different articles of the Road Traffic Act.

The gravity and the frequency of the commitment of offences in road traffic are relevant to initiate the cascade system. The administrative procedure (including warnings, suspension of driving license and driver re-education courses) has similarities with a typical penalty point system. The Road Traffic Act provides progressively stricter minimum measures for each repeated case. The gradation is based on the current and the previous offences and on the number of previous offences (within certain time limits) which have led to administrative measures.

Concretely, every driver with a previous administrative measure is considered as a reoffender if the re-offence is within a certain time. Three period of times are considered, depending on the severity of the offence: 2 years, 5 years, and 10 years. The cascade system in practice must be seen in terms of a combination of different degrees of infringement and time periods. The more serious an offence is, the longer the period that will be considered to determine the license revocation duration.

Very light offences

Very light offences, listed on the Fixed Penalties Act (see above), are sanctioned with a fixed fines issue by the police. The fine becomes final when it is paid, which must be within 30 days, and no further costs may be levied. If the fine is contested, if it is not paid within the time limit or not paid at all, ordinary criminal proceedings are initiated.

These offences are only dealt with the fixed fines in the administrative proceeding, the aggravation of a repeat offences is not considered within the cascade system and there is no registration of information related to the fixed fines in a database. The administrative process for fixed fines is completely automated.

In the event of multiple very light offences committed at the same time, if the sum of the fixed fines exceeds 600 CHF, the case will be handled in a regular criminal proceeding. In case of an offence that could be handled with a fixed fine and one that can't, are combined, both offences are handled in a regular criminal proceeding.

Light to severe offences and repeat offenders

For light, moderately severe and severe violations, the "cascade system" will intervene: the more offences a person commits, the more serious the consequences are. Light to severe traffic violations are sanctioned within the criminal proceedings and the administrative proceedings.

Light to severe offences are regulated in the Road Traffic Act, art. 16

Road Traffic Act,
License withdrawal

art. 16

Lorsque la procédure prévue par la loi fédérale du 24 juin 1970 sur les amendes d'ordre n'est pas applicable, une infraction aux prescriptions sur la circulation routière entraîne le retrait du permis d'élève-conducteur ou du permis de conduire ou un avertissement.

Les circonstances doivent être prises en considération pour fixer la durée du retrait du permis d'élève conducteur ou du permis de conduire, notamment l'atteinte à la sécurité routière, la gravité de la faute, les antécédents en tant que conducteur ainsi que la nécessité professionnelle de conduire un véhicule automobile. La durée minimale du retrait ne peut toutefois être réduite, sauf si la peine a été atténuée conformément à l'art. 100, ch. 4, 3e phrase.

Light to moderately severe offences are charged with a fine ("amende") and a warning or a license revocation. Fines are sentenced by court and the license revocation is handled in the administrative proceedings.

Light offences are regulated in the Road Traffic Act, art. 16a:

Retrait du permis de conduire ou avertissement après une infraction légère

Art. 16a

1 Commet une infraction légère la personne qui :

- a. en violant les règles de la circulation, met légèrement en danger la sécurité d'autrui alors que seule une faute bénigne peut lui être imputée ;*
- b. conduit un véhicule automobile en état d'ébriété sans pour autant présenter un taux d'alcool qualifié dans l'haleine ou dans le sang (art. 55, al. 6) et, ce faisant, ne commet pas d'autre infraction aux règles de la circulation routière ;*
- c. enfreint l'interdiction de conduire sous l'influence de l'alcool (art. 31, al. 2bis) et, ce faisant, ne commet pas d'autre infraction aux règles de la circulation routière.*

(...)

Moderately severe infractions are regulated in the Road Traffic Act, art. 16b:

Retrait du permis de conduire après une infraction moyennement grave

Art. 16b

1 Commet une infraction moyennement grave la personne qui :

- a. en violant les règles de la circulation, crée un danger pour la sécurité d'autrui ou en prend le risque ;*
- b. conduit un véhicule automobile en état d'ébriété sans pour autant présenter un taux d'alcool qualifié dans l'haleine ou dans le sang (art. 55, al. 6) et, ce faisant, commet en plus une infraction légère aux règles de la circulation routière ;*
- bbis. enfreint l'interdiction de conduire sous l'influence de l'alcool (art. 31, al. 2bis) et, ce faisant, commet en plus une infraction légère aux règles de la circulation routière ;*
- c. conduit un véhicule automobile sans être titulaire du permis de conduire de la catégorie correspondante ;*
- d. soustrait un véhicule automobile dans le dessein d'en faire usage.*

(...)

A severe violation of road traffic regulations (Road Traffic Act, Art. 90) is an offence that may be punishable by a pecuniary penalty/Day-fine ("amende pécuniaire") or a custodial sentence of up to three years. Financial penalties are also imposed by a criminal court. The maximum amount is CHF 540,000 (max. 180 days' fine at max. CHF 3,000). In contrast to fines and penalties, the execution of a pecuniary penalty can be deferred under certain conditions. In principle, if this deferral is granted for a pecuniary penalty, a fine will also be imposed.

Severe infractions are regulated in the Road Traffic Act, art. 16c:

Retrait du permis de conduire après une infraction grave
Art. 16c
<i>1 Commet une infraction grave la personne qui :</i>
<i>a. en violant gravement les règles de la circulation, met sérieusement en danger la sécurité d'autrui ou en prend le risque ;</i>
<i>b. conduit un véhicule automobile en état d'ébriété et présente un taux d'alcool qualifié dans l'haleine ou dans le sang (art. 55, al. 6) ;</i>
<i>c. conduit un véhicule automobile alors qu'il est incapable de conduire du fait de l'absorption de stupéfiants ou de médicaments ou pour d'autres raisons ;</i>
<i>d. s'oppose ou se dérobe intentionnellement à un prélèvement de sang, à un alcootest ou à un autre examen préliminaire réglementé par le Conseil fédéral, qui a été ordonné ou dont il fallait supposer qu'il le serait, s'oppose ou se dérobe intentionnellement à un examen médical complémentaire, ou encore fait en sorte que des mesures de ce genre ne puissent atteindre leur but ;</i>
<i>e. prend la fuite après avoir blessé ou tué une personne ;</i>
<i>f. conduit un véhicule automobile alors que le permis de conduire lui a été retiré.</i>
(...)

Here below some examples of repeated offences and the influence on the license suspension measure.

– Case example #1: Repeated light offences

In the event of repeated light offences, the time elapsed since the end of the last measure is up to two years. After two years, the previous offences no longer weigh in the balance.

"You have just committed a light offence..."

Your offences background is:	Time elapsed since the end of the last measure:	Your sanction will be at least:
<i>One previous light offence or more</i>	<i>Less than two years ago</i>	<i>1 month of license suspension</i>
	<i>More than five years ago</i>	<i>No aggravation (a warning)</i>
<i>One moderately severe/severe offence or more</i>	<i>Less than two years ago</i>	<i>1 month of license suspension</i>
	<i>More than five years ago</i>	<i>No aggravation</i>

Table 2. Light offences - Time elapsed since the end of the last measure (source: www.avocats-routes.ch).

– Case example #2: Repeated moderately offences

In the event of repeated moderately severe offences, the time elapsed since the end of the last measure is up to two years. After two years, the previous offences no longer weigh in the balance.

"You have just committed a moderately serious offence..."

Your offences background is: minor offences do not count	Time elapsed since the end of the last measure:	Your sanction will be at least:
<i>One moderately serious offence</i>	<i>Less than two years ago</i>	<i>4 months of license suspension</i>
	<i>More than two years ago</i>	<i>1 month of license suspension</i>
<i>Two moderately serious offences</i>	<i>One in the last two years</i>	<i>4 months of license suspension</i>
	<i>Both in the last two years</i>	<i>9 months of license suspension</i>

Table 3. Moderately severe offences - Time elapsed since the end of the last measure (source: www.avocats-routes.ch).

– Case example #3: Repeated moderately offences and severe offences

In the event of the reiteration of moderately severe and severe offences, the time elapsed since the end of the last measure is between two and ten years. Table here below gives details

"You have just committed a moderately serious offence..."

Your offences background is: minor offences do not count	Time elapsed since the end of the last measure:	Your sanction will be at least:
<i>One severe offence</i>	<i>Less than two years ago</i>	<i>4 months of license suspension</i>
	<i>More than two years ago</i>	<i>1 month of license suspension</i>
<i>One moderately serious offence + One severe offence</i>	<i>None these last 2 years</i>	<i>1 month of license suspension</i>
	<i>One in the last two years</i>	<i>4 months of license suspension</i>
	<i>Both in the last two years</i>	<i>9 months of license suspension</i>
<i>Two severe offences</i>	<i>None these last 2 years</i>	<i>1 month of license suspension</i>
	<i>One in the last two years</i>	<i>4 months of license suspension</i>
	<i>Both in the last two years</i>	<i>15 months of license suspension</i>
<i>Three moderately severe offences</i>	<i>None these last 10 years</i>	<i>1 month of license suspension</i>
	<i>3 in the last 10 years but not in the last five years</i>	<i>1 month of license suspension</i>
	<i>3 in the last 10 years and at least one in the last five years</i>	<i>License suspension for an undetermined period but min. 2 years</i>

Table 4. Moderately severe to severe offences - Time elapsed since the end of the last measure (source: www.avocats-routes.ch).

– Case example #4: Repeated severe offences

In the event of repeated severe infractions, the minimum time elapsed since the end of the last measure is 5 years. If a severe offence has been committed less than 5 years ago, this previous offence weighs in the balance. In case of reiteration of severe infractions committed in the last five years, combined or not with 2 moderately severe infractions in the last 10 years, the offender will face a permanent withdrawal of the driving license.

Specific case - Speed offences

Within the Swiss legal framework, speeding violations are categorized in 5 degrees of severity, from "very" light offences (e.g.: 1-15 km/h above the speed limit in residential zones) to very severe offences (e.g., ≥40km/h in a zone 30). This last category corresponds to the "délit du chauffard" (the reckless driver) and includes particularly heavy speeding, chasing and reckless overtaking (RTA, art. 90 al. 3 et al. 4).

The figure 2 summarize the sanctions for the administrative and criminal proceedings, from minor offences to severe speeding offences. This charts also presents the sanctions charged in case of reiteration of the offences. The "cascade system" is initiated in the administrative proceedings from the second offence in the light category offence.

Example: a speeding violation of 26-30 km/h on a highway will be charged in the administrative proceedings with a driving license revocation of minimum one month if another infraction has been committed in the 2 previous years and a fine in the criminal proceedings.

	Lieu	Classification de l'infraction				
		Très légère	Légère	Moyennement grave	Grave	Très grave
Dépassement de la vitesse autorisée de	En localité (y compris zones 30)	1-15 km/h	16-20 km/h	21-24 km/h	≥ 25 km/h	≥ 40 km/h dans les zones 30, ≥ 50 km/h quand la vitesse maximale est de 50 km/h
	Hors localité / sur semi-auto-route	1-20 km/h	21-25 km/h	26-29 km/h	≥ 30 km/h	≥ 60 km/h quand la vitesse maximale est de 80 km/h
	Sur autoroute	1-25 km/h	26-30 km/h	31-34 km/h	≥ 35 km/h	≥ 80 km/h quand la vitesse maximale est de plus de 80 km/h
Sanctions en fonction de la classification de l'infraction ⁹						
Type de sanction		Très légère	Légère	Moyennement grave	Grave	Très grave
		Amende d'ordre (cf. OAO annexe 1)	-	-	-	-
Mesure administrative	-	Première infraction: Avertissement. En cas d'infraction au cours des deux années précédentes et de circonstances aggravantes, retrait du permis de conduire pour un mois au minimum. (Art. 16a LCR)	Première infraction: Retrait du permis de conduire pour un mois au minimum. Récidivistes: Système en cascade (retrait du permis de conduire pour quatre mois au minimum jusqu'au retrait définitif). (Art. 16b LCR)	Première infraction: Retrait du permis de conduire pour trois mois au minimum. Récidivistes: Système en cascade (retrait du permis de conduire pour six mois au minimum jusqu'au retrait définitif). (Art. 16c LCR)	Première infraction: Retrait du permis de conduire pour deux ans au minimum. Récidivistes: Système en cascade (retrait du permis de conduire pour dix ans au minimum voire retrait définitif). (Art. 16c LCR)	Première infraction: Retrait du permis de conduire pour deux ans au minimum. Récidivistes: Système en cascade (retrait du permis de conduire pour dix ans au minimum voire retrait définitif). (Art. 16c LCR)
Peine	-	Amende (art. 90, al. 1, LCR)	Sanction identique à celle d'une infraction légère ou à celle d'une infraction grave (selon les circonstances)	Peine privative de liberté de trois ans au plus ou peine pécuniaire. (Art. 90, al. 2 LCR)	Peine privative de liberté de trois ans au plus ou peine pécuniaire. (Art. 90, al. 2 LCR)	Peine privative de liberté d'un à quatre ans (Art. 90, al. 3 et 4 LCR)

Figure 2. "What are the penalties for speeding?". Source: BFU.

Specific case – Drinking and driving

For full-license drivers, drinking and driving offence is both an administrative and a criminal proceedings. Two degrees of drinking and driving violations are established in the Ordinance⁹ of the Federal Assembly on the maximum permitted alcohol content in road traffic:

- Unqualified intoxication ("état d'ébriété non qualifiée") which corresponds to a blood alcohol concentration (BAC) between 0.5‰ to 0.8‰. This offence is considered as a light offence:
 - First commission of this offence: the offender will be charged with a warning in the administrative proceedings and must pay a fine (600 CHF) sentenced by the criminal proceedings.
 - For the second offence within 2 years, the cascade system is initiated.
- Qualified intoxication ("état d'ébriété qualifiée") refers to a BAC above 0.8‰. Within this qualified intoxication, there are two thresholds:
 - BAC between 0.8‰ and 1.6‰ corresponds to a severe offence
 - The criminal proceeding will charge the offender with a pecuniary fine (20 day-fine for a BAC between 0.80‰ to 0.89‰) and the administrative proceeding will be charged with a license revocation of minimum 3 months.
 - BAC above 1.6‰ can be compared to "a reckless delict" and a security measure on the driving license (see below) can be initiated from the first time.

⁹ <https://www.fedlex.admin.ch/eli/cc/2015/493/fr>

- The criminal proceeding will charge the offender with a pecuniary fine (60 day-fine for a BAC between 1.60‰ and 1.79‰) and safety license suspension which will require a medical expertise (the license will only be returned if the medical expertise is positive).
- The administrative proceeding will be charged with a license revocation of minimum 5 months.
- In the event of reiteration, the offender will also face a license withdrawal from five months to two years depending on the frequency of the reiteration.

Professional drivers, novice drivers, driving instructors and accompanying drivers must all respect the set alcohol concentration (≥ 0.05 mg/l or 0.10 ‰). If they fail to do so, they commit a serious offence from the outset, liable to a three-month license withdrawal and a pecuniary penalty. The measures for drinking and driving can be found on the website of traffic and navigation office: https://www.ocn.ch/sites/default/files/2018-11/Mesures_en_cas_de_conduite_en_etat_ebriete_20181109.pdf



Figure 3. Driving license measures for impaired driver (0.80 g/l to 2 g/l). Source: OCN.

Specific case – Phone use behind the wheel

Doing a phone call with a hands-free device is in principle legal in Switzerland, as it is considered comparable to talking to somebody in the car. However, talking on the phone must not prevent the driver from controlling the vehicle. Otherwise, it is an unauthorised use of the mobile phone.

It is forbidden for a driver to hold his mobile phone with one hand to his ear while being in a call, as he does not have both hands to drive in this moment. This is sanctioned with an administrative fine.

The use of a mobile phone in any other way, including dialling a number for a call, texting, using navigation etc. is considered a big distraction, as the driver's attention is not on the road and the sanction is determined in a criminal and an administrative proceeding.

Traffic Admission Information Service – SIAC

The light to severe violations and resulting measures are recorded in the Traffic Admission Information Service (SIAC). The police and customs authorities can access it at any time to obtain the data needed to check the driving license of a road user.

The Traffic Admission Information Service, SIAC, has been implemented in January 2019 and it combines three registers that were previously existing for more than thirty years (MOFIS (vehicle registration), FABER (driver admission) and ADMAS (administrative measures)). The SIAC processes data on traffic admission and traffic controls in Switzerland and the Principality of Liechtenstein. This Database consists of four subsystems

- SIAC-Vehicles
- SIAC-Persons
- SIAC-Measures
- and SIAC-Analysis. Competencies of each subsystem is described in the Ordinance on the information system for the admission to traffic¹⁰ (OSIAC).

The SIAC-Measures contains all the measures pronounced as a result of traffic violations:

- Warnings
- Withdrawal or refusal to grant
 - a learner's permit
 - a driving licenses
 - a driving instructor's license
- Driving bans
- Bans on using a foreign license
- Psychological and medical examinations
- New driving tests
- Traffic educational courses
- etc.

The SIAC-Persons contains measures that are being implemented (e.g., withdrawal of license). It therefore enables the police to identify a person who is driving despite a withdrawal. The measures recorded in this database will be deleted as soon as they are no longer effective (e.g., as soon as a license is returned to its holder).

In the SIAC-Measures, entries are deleted within the following time limits.

- Ten years after the expiry or lifting of a measure
 - Withdrawal, refusal to grant or prohibition to use
 - a learner's permit
 - a driving licenses
 - a driving instructor's license
 - Driving bans
 - Cancellation of a probationary driving license
- Five years after entry into force
 - Warnings and other measures

The data are automatically deleted on expiry of the above-mentioned deadlines. Exception: in the event of a new offence before the deadline, entries will only be deleted once the deadline for deleting the last measure has expired (source: Canton de Berne, Office de la circulation routière et de la navigation).

Potential sanctions in the administrative and the criminal proceedings

The sanctions charged within the administrative proceedings are:

- Warning
- Suspension of driving license
- Driver education courses for offending drivers according to art. 40ff OAC
- Voluntary driving education courses in order to get an earlier reinstatement of the driver's license based on art. 17 RTA
- Driving aptitude test according to Art. 28a OAC
- Driving license under conditions, e.g., in the case of addiction problems: regular medical checks
- Requirement of a test drive
- Requirement of a new driving test
- Cantonal learning programs (optional)

The sanctions charged within the criminal proceedings range from fines to imprisonment. For severe violations, the fine will be a day-fine/pecuniary fine. The criminal proceeding of the Road Traffic Act provides in Articles 90 and following for sentences from fines up to four years of custodial sentence.

¹⁰ For more details, see: <https://www.fedlex.admin.ch/eli/cc/2018/783/fr>

Road Traffic Act

- *Titre 5 Dispositions pénales - Violation des règles de la circulation*

Art. 90

1 Celui qui viole les règles de la circulation prévues par la présente loi ou par les dispositions d'exécution émanant du Conseil fédéral est puni de l'amende.

2 Celui qui, par une violation grave d'une règle de la circulation, crée un sérieux danger pour la sécurité d'autrui ou en prend le risque est puni d'une peine privative de liberté de trois ans au plus ou d'une peine pécuniaire.

3 Celui qui, par une violation intentionnelle des règles fondamentales de la circulation, accepte de courir un grand risque d'accident pouvant entraîner de graves blessures ou la mort, que ce soit en commettant des excès de vitesse particulièrement importants, en effectuant des dépassements téméraires ou en participant à des courses de vitesse illicites avec des véhicules automobiles est puni d'une peine privative de liberté d'un à quatre ans.

4 L'al. 3 est toujours applicable lorsque la vitesse maximale autorisée a été dépassée :

d'au moins 40 km/h, là où la limite était fixée à 30 km/h ;

d'au moins 50 km/h, là où la limite était fixée à 50 km/h ;

d'au moins 60 km/h, là où la limite était fixée à 80 km/h ;

d'au moins 80 km/h, là où la limite était fixée à plus de 80 km/h.

5 Dans les cas précités, l'art. 237, ch. 2, du code pénal n'est pas applicable.

For speeding and drink-driving offences, the recommended "fine tariff" of the Swiss Conference of Public Prosecutors provides indicative day-fines amount:

https://www.ssk-cps.ch/sites/default/files/recommandations_lcr_cps_final_f_dv_2016_fr.pdf

Potential sanctions in case of repeated offences – Extended license revocation

In the event of repeated offences, for the moderately severe and severe infractions, the following license withdrawal periods are foreseen:

Road Traffic Act

- *Retrait du permis de conduire après une infraction moyennement grave*

Art. 16b

(...)

2 Après une infraction moyennement grave, le permis d'élève conducteur ou le permis de conduire est retiré :

a. pour un mois au minimum ;

b. pour quatre mois au minimum si, au cours des deux années précédentes, le permis a été retiré une fois en raison d'une infraction grave ou moyennement grave ;

c. pour neuf mois au minimum si, au cours des deux années précédentes, le permis a été retiré à deux reprises en raison d'infractions qualifiées de moyennement graves au moins ;

d. pour quinze mois au minimum si, au cours des deux années précédentes, le permis a été retiré à deux reprises en raison d'infractions graves ;

e. pour une durée indéterminée, mais pour deux ans au minimum si, au cours des dix années précédentes, le permis a été retiré à trois reprises en raison d'infractions qualifiées de moyennement graves au moins ; il est renoncé à cette mesure si, dans les cinq ans suivant l'expiration d'un retrait, aucune infraction donnant lieu à une mesure administrative n'a été commise ;

f. définitivement si, au cours des cinq années précédentes, le permis a été retiré en vertu de la let. e ou de l'art. 16c, al. 2, let. D

Art. 16c

(...)

2 Après une infraction grave, le permis d'élève conducteur ou le permis de conduire est retiré :

a. pour trois mois au minimum ;

a^{bis}. pour deux ans au moins si, par une violation intentionnelle des règles fondamentales de la circulation, la personne accepte de courir un grand risque d'accident pouvant entraîner de graves blessures ou la mort, que ce soit en commettant des excès de vitesse particulièrement importants, en effectuant des dépassements téméraires ou en participant à des courses de vitesse illicites avec des véhicules automobiles ; l'art. 90, al. 4, s'applique ;

b. pour six mois au minimum si, au cours des cinq années précédentes, le permis a été retiré une fois en raison d'une infraction moyen-nement grave ;

c. pour douze mois au minimum si, au cours des cinq années précédentes, le permis a été retiré une fois en raison d'une infraction grave ou à deux reprises en raison d'infractions moyennement graves ;

d. pour une durée indéterminée, mais pour deux ans au minimum, si, au cours des dix années précédentes, le permis lui a été retiré à deux re-prises en raison d'infractions graves ou à trois reprises en raison d'infractions qualifiées de moyennement graves au moins ; il est renoncé à cette mesure si, dans les cinq ans suivant l'expiration d'un retrait, aucune infraction donnant lieu à une mesure administrative n'a été commise;

e. définitivement si, au cours des cinq années précédentes, le permis a été retiré en application de la let. d ou de l'art. 16b, al. 2, let. e.

(...)

2.4.2.2 Point recovery

Not applicable to the Swiss context, no DPS implemented.

2.4.2.3 Licensing measures and driving bans for repeat offenders

Within the Swiss legal framework, there are two types of driving bans. The first is related to admonition withdrawal measures, which are imposed as a sanction after a single traffic offence. In this case, the driving license is immediately withdrawn by the police, or it is later ordered by the administrative measure's authority. After the legal minimums, the license can be returned before the term indicated on the judgment, under certain conditions (by participation in a complementary training course).

The second licensing measure corresponds to a so-called "safety" measure, which are pronounced when there is reiteration of drinking and driving infraction, suspicion of alcohol dependance, or a doubt as to a person's fitness to drive, pending the results of aptitude tests. This "safety measure" is mainly taken in case of impaired driving and is for an undetermined period. More precisely, a driving license shall be withdrawn for an unlimited period:

- whose physical and mental abilities do not or no longer allow him to drive a motor vehicle safely.
- who suffers from a form of dependence which makes him/her unfit to drive.
- who, because of his or her previous behaviour, cannot guarantee that he or she will in future comply with the regulations and show consideration for others when driving a motor vehicle¹¹.

In Switzerland, a person who drives while intoxicated is liable to have his or her license withdrawn for at least 1 month for a first offence and for at least one year in the event of a repeat offence within five years. In this type of withdrawal, known as "admonition withdrawal", after these legal minimums, the license can be returned before the term indicated on the judgment, under certain conditions (or participation in a complementary training course). But, when a driver is diagnosed as an alcoholic, his or her license is withdrawn for an undetermined period of time ('safety withdrawal'). It can only be restored when the person has been able to prove - normally by a medical report and undergoing regular abstinence tests over a certain time period - that he or she has resolved his or her alcohol problem; the restitution is then accompanied by a probationary period of at least one year (Schmukle, Chollet et Daeppen, 2005).

2.4.2.4 Educational measures and courses

Detailed in section 2.4.3.

2.4.2.5 License reinstatement

For license reinstatement based on educational courses, see section 2.4.3.

¹¹ Road Traffic Act, art. 16d, Withdrawal of driving license due to unfitness to drive (authors' translation): https://www.fedlex.admin.ch/eli/cc/1959/679_705_685/fr

2.4.2.6 Novice drivers and other specific groups of drivers

Specific measures applied to professional drivers, novice drivers, driving instructors and accompanying drivers regarding drink-driving offences: they have to respect the set alcohol concentration (≥ 0.05 mg/l or 0.10 ‰).

Regarding reoffending, the first three years of driving are a “trial phase”. The novice driver has to do a one-day training during this period and is banned from any alcohol while driving (0.10‰). If the driving license is suspended during this time, the trial phase is prolonged one year. In case of a second suspension, the driving license is revoked entirely and after a period of two years the offender has to redo the whole training including theoretical and practical exam.

2.4.3 Educational measures in- and outside a possible DPS system

There are different possible scenarios for educational measures in Switzerland. The first is related to the license suspension. In case of an ordinary license revocation (admonition), the offender has the possibility to take a course also with the aim of benefiting from an early restitution of the license (a maximum 3-month reduction). This early restitution can be for a maximum of three months and only if the duration of the driving license withdrawal ordered by the cantonal authority is longer than the minimum duration set by law. The minimum duration set by law must always be respected (RTA, Art. 17).

In the event of a safety withdrawal (following an expert opinion concluding that the person is unfit to drive), the measure can generally only be lifted after an expert opinion concluding that the person is fit to drive. Taking a course may be useful and may be considered in the new assessment (RTA, Art. 17, al. 3 and 4 and Art. 23, al. 3). The license is withdrawn for at least two years. According to Art. 40 of the Ordinance on driving license¹², the cantons are obliged to organize traffic courses. The courses can be ordered or taken on a voluntary basis. The range of courses varies from canton to canton. Some courses are given by the cantonal authority itself, others are organized by other institutions, some with the support of the Swiss Council for Accident Prevention (BFU), which has developed four different courses. These take place in various cantons (but not in all). Some rules on the organization of offender courses are described in Art. 41 OAC: https://www.fedlex.admin.ch/eli/cc/1976/2423_2423_2423/fr#art_41.

The Swiss Council for Accident Prevention (BFU) has developed dedicated courses for courses for drink-driving offenders (one for first-time offenders and one for repeat offenders) and two courses for other road traffic offenders (one in the case of an admonition license withdrawal and one in the case of withdrawal of a security clearance (see also Annex Word and BFU website: Courses for people with withdrawn driving licenses – BFU). These courses are optional for the traffic offenders and as far as optional courses are concerned, any offender can in principle take a course. The two BFU courses for drink-driving offenders are not intended for people with a serious alcohol problem (addiction). For repeat offenders in drink-driving violation, the course for drink-driving drivers appears to be relevant. A BFU course cannot be followed twice by an offender and first-time offenders do not attend the same course as repeat drink-driving offenders. The first-time offender has a dedicated course¹³.

In practice, these courses are optional for the traffic offender charged with a license revocation. But in some cases, the canton informs proactively the offender about these existing courses and the opportunities it represents. In terms of organization, the qualifications of the instructors/moderators of these courses are not clearly defined. It is up to the cantons to accredit a provider or not. In the context of BFU courses, the requirements for commissioned moderators are high: a university degree in psychology (or equivalent), training in psychotherapy and a minimum of experience.

BFU courses are not subsidized. The costs of the course are borne by the participants and must be paid in addition to the fines and court fees. The BFU courses have never (yet) been evaluated. However, studies abroad show that courses conducted in a similar way can have a preventive effect. In recent years, an evaluation of the BFU courses has been abandoned because they were to become compulsory. The implementation of the compulsory courses, a measure decided by the Swiss Parliament in 2012 as part of the Via sicura programme, has been delayed for several years and is still not in place. Regarding interlock and black box measures, the proposals were also part of the Via sicura approved by the Swiss Parliament in 2012, but these measures may be abandoned before they are even implemented.

¹² https://www.fedlex.admin.ch/eli/cc/1976/2423_2423_2423/fr#art_40

¹³ For more information on the 4 existing BFU-courses for offenders charged with a license revocation: <https://www.bfu.ch/fr/services/cours-destines-aux-personnes-frappees-d-un-retrait-du-permis-de-conduire>

2.5 United Kingdom

2.5.1 General logic and functioning of the system

Penalties are recorded against an individual's unique drivers record which is held on a central database named The Driver Validation Service (DVS). This database is maintained on behalf of The Department for Transport by Driver and Vehicle Licensing Agency (DVLA). Every license holding driver has a record via a unique license number which shows all details of the driving license as for example class and type of vehicles permitted to operate, penalties, legal status, medical status, etc. Offences are recorded on a central database and then presented to the driver. When the driver is not stopped by the police, for example speeding detected via mobile radar or fixed radar unit, within 14 days the person being associated with the car will be sent a 'Notice of Intended Prosecution' (NIP) and a 'Section 172 notice' which is a request for who was driving the vehicle. Drivers must return the Section 172 notice within 28 days, telling the authorities who was driving the car. Drivers may have to go to court if they ignore the notice. Once the offender is identified, for minor offences the driver is offered a Fixed Penalty Notice (civil penalty procedure). The offer would contain a financial penalty and also carry penalty points. Financial penalties and penalty points are to be endorsed on the licence according to the fixed number or the range set by Parliament.

For serious offences a case report is generated by the prosecuting authority detailing the offence charges and evidence to support the charges (criminal penalty procedure). This report is electronically sent to the Courts and Tribunal Service. The defendant would then be summoned to appear at court (Magistrates Court in the first instance and if very serious referred to Crown Court). If found guilty they can impose prison sentences, immediate bans, and financial penalties. In court the financial penalties can be determined by income. Additionally, for every offence which carries penalty points the court has a discretionary power to order the licence holder to be disqualified. This may be for any period the court thinks fit but will usually be between a week and a few months. Where an offence is punishable by imprisonment then the vehicle used to commit the offence may be confiscated. In the case of serious offences, such as dangerous driving and drink-driving, the court must order disqualification. The minimum period is 12 months, but for repeat offenders or where the alcohol level is high, it may be longer. For example, a second drink-drive offence in the course of 10 years will result in a minimum of 3 years' disqualification.

There is no real system in place to tackle legal reoffending. Each infraction (offence) is dealt with individually, but sanctions can be aggravated (in court decision) by previous offences such as two or more offences for drink driving within a 3-year period. A check of the Driver Validation Service (DVS) database would detail all passed enforcement history of the driver including total penalty points awarded to the driver's license. This would highlight if the matter could not be dealt with by civil penalty or fixed penalty notice and must be referred to court for a decision. In case of multiple offences (at the same time), each infraction (offence) individually adds penalty points.

The UK operates a penalty points system of a maximum 12 penalty points. The points are 3 years active but the endorsements remain for 4 years in total (for information) on the record. Hence the endorsement is active for 4 years, the penalty points allocated are active for 3 years. These lengths are specified in road traffic law. When the 12-point limit is reached drivers face automatic 6 to 12 month driving ban. For new drivers if they achieve 6 penalty points within the first 2 years of driving, they face an automatic 12 month ban and are required to retake mandatory driving examination before license returned. In addition to the penalties imposed by a court, the cost of insurance is likely to rise considerably following conviction for a serious driving offence. This is because insurance companies consider such drivers are more likely to be involved in a collision.

2.5.2 Characteristics of the system for treating repeat offences

2.5.2.1 Infractions included

Each endorsement has a special code and is given 'penalty points' on a scale from 1 to 11. More points are allocated to more serious offences. Below are shown the offence codes that can be put on the driving record. It also shows how many penalty points can be allocated. Some offences may also involve an immediate disqualification.

All driving related offences are recorded against the unique drivers record maintained centrally on the Driver Validation System (DVS) by DVLA. This central database feeds other databases such as the Police National Computer (PNC) and the Police National Data base (PND). This enables front line police officers and

enforcement officers to quickly check the legal status of a driver license during the course of their investigations. DVS is available to all frontline Officers to enable them to quickly check the legal status of a driver's license. This is available through a web-based system accessed through a secure VPN (DVLA approved) via Laptop or Mobile Phone. The database asks for the unique driver license number to be entered to pull back all the driver's information, a search facility is available where no license number is provided. In addition to the police, also the court has access and DVSA for enforcement purposes. The driver has the ability to share that information with anyone who he sees fit or is requested by (for example employer or insurance company). A list of accident offences and their associated codes and penalty points can be found as an Appendix to this report.

To illustrate that there are also policies regarding 'foreign' licences the example can be given of the 'mutual recognition (MR) code. An 'MR' code on the driving record is noted when one is disqualified while driving in Northern Ireland or the Isle of Man. The disqualification period will also be valid in GB and will stay on your record for 4 years from the date of conviction.

For aiding, abetting, counselling or procuring offences, the codes are similar, but with the number 0 on the code changed to 2. For example, code LC20 (driving otherwise than in accordance with a license) becomes code LC22 on your driving record if you have helped someone to do this.

For causing or permitting offences the codes are similar, but with the number 0 on the code changed to 4. For example, LC20 (driving otherwise than in accordance with a license) becomes LC24 on your license if you've caused or permitted someone to do this.

For inciting offences, the codes are similar, but with the number 0 on the code changed to 6. For example, DD40 (dangerous driving) becomes DD46 on your driving record if you've incited someone to do this.

2.5.2.2 Point calculation

Each endorsement carries predefined penalty points. By court decision these can be altered (aggravation). Multiple offences committed at the same time will result in adding up the allocated penalty points. If a combination of minor offence is found during one event, then they are all totaled up. An example would be vehicle stopped after found to be speeding (issued 3 points £100 fine), driver not wearing seat belt (issued 3 points £200 fine), and driving with defective tyres (issued 3 points £300). The total points issued would be 9 points and £600. A driver with a clean license of 12 points would keep their right to drive (hence 3 points left within a 3-year period).

2.5.2.3 Point recovery

The system is unforgiving. There is no way of regaining or recovering points. The court could decide not to disqualify a driver because of hardship. Following driver improvement courses could prevent point to be allocated, for example for minor speed offences. The driver improvement courses are discussed later in the text.

2.5.2.4 Licensing measures and driving bans for repeat offenders

Once the 12 points threshold is reached (within 3 years) the matter is referred to court where the driving ban is determined. Some more serious offences would automatically be referred for court at the first event. This could result in an immediate disqualification from driving or imprisonment.

The court decides the level of sanction to impose based on the level of offending, serious nature of the offence(s) or the experience of the driver. Based on this information the court would determine the length of disqualification, financial penalty imposed and any custodial (imprisonment) required. They could also set if a full driving examination is required to regain the license.

The court will decide how long the disqualification will last, based on how serious they think the offence is. The ban can last:

- 6 months, if you get 12 or more penalty points within 3 years
- 12 months, if you get a second disqualification within 3 years
- 2 years, if you get a third disqualification within 3 years

Drivers can claim hardship and plea at the court not to be banned from driving, or for a shorter period. In this sense there are clear general rules on ban duration; the courts could decide otherwise.

For new drivers, if they achieve 6 penalty points within the first 2 years of driving, they face an automatic 12 month ban and required to retake mandatory driving examination before the license is returned.

2.5.2.5 Educational measures and courses

Some educational measures and courses exist. The course is at own costs. These courses are recorded on the driving record on the DVS database held by DVLA.

The drink driving rehabilitation course are available for first DUI which can reduce length of disqualification if the ban is 12 months or more, but only available if offered by the court or Police force. They are offered if it is decided they are appropriate for your offence. The drink-drive rehabilitation scheme course costs up to £250. The offender can only attend if disqualified for 1 year or more and specified by judge at the time of sentencing. A successful completion will reduce the driving ban with a quarter. It is a 16h face to face course, over 3 sessions spread over 14 days. There are 2 units covering understanding impact of alcohol use in relation to driving and changing alcohol use in relation to driving. The course is not formally assessed. Some guidance to the trainers about when participants are ready to progress to the next stage of the course can be found at <https://www.gov.uk/government/publications/drink-drive-rehabilitation-syllabus>.

The speed awareness courses are run by Local Authority, or private companies, who are contracted as service providers for their respective Police Authorities. They are aimed entirely at minor speeding offences and are only offered if it is the first offence within 3 years. Most police forces offer a course to drivers who are caught speeding between 10% plus 2 and 10% plus 9 of the legal limits. The cost is between £80 and £100. Most areas will adopt the theory-only element of the course which lasts approximately three to four hours. However, there is an option for an authority to add a practical element to the course, which adds an extra hour to proceedings. Motorists must attend the full session, demonstrate a willingness to have more positive attitude to road safety and make a positive contribution to the course. If this is not met the case will be referred back to the police. When the speeding course is followed, no penalty points are allocated.

The National driver alertness course is mainly used for incidents involving a collision where there would be sufficient evidence to prosecute a driver for driving without due care and attention or "careless driving". This course is running over a period of 6 hours and costs between £70 and £120. The scheme is aimed at improving driving standards through re-training in suitably identified cases as an alternative to prosecution. To be eligible the driver must have a full license, there must not be any other offences to be dealt with by prosecution at the same time as the due care offence (i.e., no insurance) and the offer must not be made within 3 years of an offence that to a previous Driver Alertness Course. The course is made up of in-class interactive workshop and an on-road practical session (using professional instructors in dual-controlled vehicles). To successfully complete the course, you must attend both the theory and drive sessions, participating fully and making a positive contribution to the course (no formal assessment).

The Rider Intervention Developing Experience (RIDE) Course is designed specifically for motorcyclists and is intended for motorcyclists who ride in an "antisocial manner", primarily covering matters of excess speed and careless riding. Courses will only be available to riders via an offer from a police force. It lasts approximately 5 hours and costs between £70 and £120. A person may only attend one RIDE course in 3 years. Subsequent offending will be dealt with by way of a prosecution. Each Constabulary will appoint a Service Provider in their area to deliver these courses. Many Service Providers will be members of the National Association of Driver Intervention Providers (NADIP). There is no test although there will be group discussions motorists are expected to participate in to successfully complete the course (no formal assessment).

The 'What's Driving Us course' is intended for those motorists who commit deliberate offences or offences involving a lack of concentration which do not involve a collision. This would include offences such as using a mobile phone (whilst driving) and contravening a red traffic signal. The course usually lasts approximately 3 hours and costs between £70 and £120. You can attend only one What's Driving Us course in 3 years. Any further offending will be dealt with by prosecution. You can pass by completing the course in a satisfactory way by attend the full session, demonstrating a willingness to have more positive attitude to road safety and by making a positive contribution to the course (no formal assessment).

The 'Driving 4 Change course' is intended for those offences which result from the commission of driving offences which demonstrate carelessness or under performance which do not result in a collision. This could include cases of bad driving such as "tailgating" and careless maneuvers. This course lasts approximately 3 hours and costs between £70 and £150. The course is an alternative to a fixed penalty fine. This course is a practical on the road driving assessment with a Department of Transport approved driving instructor. There is no test, but satisfactory completion of the course is required. You are asked to make a positive contribution

to the course and demonstrate a willingness to improve your driving skills (no formal assessment). The course is designed to be participative, informative and a practical benefit to all drivers.

There also are courses directed at level crossing offences, at mobile phone use while driving, and at seat belt offences. We have no detailed information on those.

2.5.2.6 License reinstatement

If you're disqualified for less than 56 days, you do not need to apply for a new license before you can drive again. You can drive as soon as your ban is over. If you're disqualified for 56 days or more, you must apply for a new license before driving again. You might also have to retake your driving test or take an extended driving test before getting your full license. The court will tell you if you have to do this.

If you're a 'high risk offender' (for example repeated drink driving), you will not get your new license until you can prove you're fit to drive again. You'll need to pass a medical examination with one of DVLA's appointed doctors. There are no psychological examinations.

2.5.2.7 Novice drivers and other specific groups of drivers

For new drivers the DPS system is different: if they achieve 6 penalty points within the first 2 years of driving, they face an automatic 12 month ban and are required to retake mandatory driving examination before the license is returned.

In the DPS there is no difference between points gathered while driving privately or commercially. There are special mechanisms for sanctioning professional drivers though. When a commercial driver reaches the 9-point limit the Courts will notify DVLA. A driver conduct hearing will be organized by a Traffic Commissioner and based on the outcome the driver could be banned already for commercial driving, but not for private driving.

Sentences for drivers from Northern Ireland or the Isle of Man are usually also in effect in the UK.

2.5.3 Educational measures in- and outside a possible DPS system

The educational courses are optional. They are to be offered, and accepting the offer is a matter of choice. There is no alcohol interlock system in the UK.

2.6 Slovenia

2.6.1 General logic and functioning of the system

Since 1998, Slovenia has implemented a demerit point system in the Road Traffic Act and the Misdemeanour Act. This DPS concerns all road users and assigns penalty points to offenders according to the offences committed. The offenders can collect up to 18 penalty points. Offenders receive a warning letter when the threshold of 16 penalty points (out of the 18 possible) is reached. Penalty points are cleared two years after the last penalty points collected. If the 18-penalty points threshold is reached, the offender is banned from driving for 6 months (see details in section 2.6.2.4).

Three acts are used to define the content of the rules and the proceedings to follow in case of offence: the Road Traffic Rules Act, the Misdemeanor Act and the Criminal Act.

- The Road Traffic Rules Act concerns the traffic regulations, defines which rule is broken, the fine corresponding and the penalty points assigned, if applicable. The Traffic Rules Act is managed by the Ministry of Infrastructure. <http://www.pisrs.si/Pis.web/pregledPredpisa?id=ZAKO5793> (in Slovene)
- The Misdemeanour Act concerns the procedures, the justice system etc., regarding all types of minor offences (not the criminal traffic offences considered as crimes and handle as such within the criminal proceeding). The Misdemeanor Act is managed by the Ministry of Justice <http://pisrs.si/Pis.web/pregledPredpisa?id=ZAKO2537#> (in Slovene)
- The Criminal Code concerns the severe offences and crimes, in a broad sense and not only related to Traffic, and the possible sentences, admonitory sanctions and safety measures. <https://www.policija.si/images/stories/Legislation/pdf/CriminalCode2009.pdf> (in English).

In the event of an infraction, the police must determine which infraction has been committed and establish by the fulfilling conditions from the legal Acts which procedure will be undertaken to sanction the offender: the administrative proceeding (fine + max. 3-points) or the Misdemeanor proceeding. In case of serious offences and offences charged with more than 3 penalty points and up to 18 points, the case will automatically be sanctioned by a court competent for misdemeanor proceedings and the offender will be charged with a fine, penalty points and a license withdrawal (under conditions, see section 2.6.2.4). Serious offences are mostly related to causing a serious accident with casualties, to excessive speeding violations (e.g., over 30 km/h in urban areas), to high level of alcohol intoxication (above BAC 1.1 g/l) and to repeat offenders for major offences. Other (light and moderately severe) offences will be proceeded within the administrative proceeding, handled by the Ministry of Justice.

The Ministry of Justice is responsible for the offences and points collection and handles the management of the database (called "Record Evidence of the Demerit Points Database"), while the Ministry of Infrastructure handles the database concerning the driving licenses. The police have full access to the penalty points database, also from remote places. And citizens can get access to it to obtain the certificate of their own penalty points status.

2.6.2 Characteristics of the system for treating repeat offences

2.6.2.1 Infractions included

The infractions included in the DPS are:

- dangerous reverse driving (driving in wrong direction on motorways),
- driving without safety distance (it must be specified on the traffic sign),
- driving motorcycle on one tire,
- excessive speeding (on motorways, in urban and rural areas),
- driving under influence alcohol and illicit drugs,
- dangerous overtaking, overtaking along the emergency line,
- right of way, right rule etc.,
- driving into red light,
- hit-and-run,
- disregarding the pedestrian priority,
- ...

The Road Traffic Rules Act defines the rules, the offences and the related sanctions (fines and penalty points if applicable). Some examples:

Distraction behind the wheel

Article 35

(Prohibition of the use of devices or equipment that reduce the driver's auditory or visual perception or ability to control the vehicle)

(1) The driver and the driving instructor must refrain from all actions during driving that would reduce their auditory or visual perception or ability to control the vehicle.

(2) While driving, the driver may not listen to the radio or other sound devices with such a volume that prevents him from normal auditory perception in road traffic.

(3) Notwithstanding the first paragraph of this Article, a driver, except for a candidate for a driver who is taught to drive a motor vehicle by a driving instructor, a candidate for a driver who drives a passenger car accompanied by an escort, a driving instructor and an escort, may when using a hands-free device. When performing tasks necessary to save life or property, prevent or eliminate major material damage, prevent or eliminate environmental pollution and the tasks of the police and military police, the use of a radio station is permitted while driving.

(4) A fine of 120 euros shall be imposed for a misdemeanor on a driver who does not need a driving license and who acts in contravention of the first or second paragraph of this Article.

*(5) A fine of 250 euros shall be imposed for a misdemeanor on a driver, a driving instructor or a companion who acts in contravention of the first or second paragraph of this Article. **3 penalty points** are also imposed on the driver of the motor vehicle, the driving instructor or the attendant.*

Speeding

Different situations exist, depending on the speed regime and location. The following example concerns built up areas.

*Article 46
(maximum permitted speeds)*

(...)

(6) A driver who exceeds the speed limit on the road in a settlement by a traffic rule or a traffic sign shall be punished:

- 1. with a fine of 40 euros if he exceeds the speed limit up to and including 10 km/h;*
- 2. with a fine of 120 euros if he exceeds the speed limit by more than 10 up to and including 20 km/h. The driver of the motor vehicle is also sentenced to **3 penalty points**;*
- 3. with a fine of 250 euros if he exceeds the permitted speed by more than 20 up to and including 30 km/h. The driver of a motor vehicle is also sentenced to **5 penalty points**;*
- 4. with a fine of 500 euros if he exceeds the permitted speed by more than 30 to 40 km/h. The driver of a motor vehicle is also sentenced to **7 penalty points**;*
- 5. with a fine of 750 euros if he exceeds the permitted speed by more than 40 to 50 km/h. The driver of a motor vehicle is also sentenced to **9 penalty points**;*
- 6. with a fine of 1,200 euros if he exceeds the permitted speed by more than 50 km/h. The driver of a motor vehicle is also sentenced to **18 penalty points**.*

Drinking and driving

Drink-driving offences are included in the DPS. A BAC of 0.5 g/l to 0.8 g/l is charged with 8 penalty points and a fine. A serious DUI infraction, such as driving with a 1.1 g/l will be charged with immediate arresting, license revocation (for three weeks), a fine and 18 points of penalty (the maximum of penalty points). The case will be reported to a court and sentenced with a conditional driving license withdrawal if the offender passes the medical exam and follow a rehabilitation program.

Novice and professional drivers are submitted to a stronger rule: zero tolerance. And in case of drink-driving infractions, when the 7-penalty points threshold in the period of two years is reached, the driving license becomes invalid.

"To decrease the number of deaths due to drink-driving, we used a combination of different measures: increased police checks, stricter penalties introduced in 2008 including arresting drivers caught with an alcohol level over 1.1g/l and drivers refusing to be tested. Drivers who have committed a major offence while intoxicated face their motor vehicle to be seized and their driving licence suspended. Repeat offenders have to follow rehabilitation programs, divided into educational and psychosocial workshops." (ETSC, 2018).

Seat belt use (no penalty point)

*Article 33
(seat belt)*

(1) During driving, the persons in the motor vehicle on all seats where the seat belts are installed must be fastened in the manner provided by the vehicle manufacturer with regard to the construction of the restraint system.

(2) The provision of the preceding paragraph shall not apply to buses of urban passenger transport and to buses that have stands on which persons stand.

(3) The seat belt need not be used by a person referred to in the first paragraph of this Article who proves with a valid medical certificate that he cannot use the seat belt due to health reasons.

(4) The seat belt need not be used by persons in the rear seats in police and military police vehicles, if the use of the seat belt makes it impossible to perform official tasks.

(5) A fine of 120 € shall be imposed for a misdemeanor on a driver or passenger who acts in contravention of the provision of the first paragraph of this Article.

Reoffending

In case of reoffending, there is no specific legal definition of a repeat offender and no specific measures addressed to them. But as a reoffender, the collect of penalty points will lead (faster) you to the 18-point threshold. When the 18-points threshold is reached, the license is banned. When the offender collects more than 18-points, the driving licence is automatically revoked for 6 months, and the offender must retake the theoretical and practical exam to regain his/her driving license.

2.6.2.2 Point calculation

The minimum point is 1 point for light offences and up to 18 penalty points for very serious offences. In this last case, the driving license of the driver will automatically be banned for three weeks, and additional sanctions are foreseen (see details in section 2.6.2.4).

In the event of more than one offence being committed at the same time, the fines and the penalty points of the different offences will be summed up.

2.6.2.3 Point Recovery

In accordance with the law, the driver can voluntarily reduce the number of penalty points by a maximum of 4 points every two years by the brief medical advice (for DUI) at the GP's, participation in the education rehabilitation program or safe driving training. This opportunity is given to offenders every two years, and they can follow those courses or visit their GP's every two years to recover 4 points. This information is also provided in the warning letter sent to the offender having reached 16-penalty points, where they are informed that the driving licence is already charged with 16-points and that he/she needs to do something to avoid reaching the 18-points threshold.

Regarding programs, the offender is invited to follow the course related to the offences for which he/she has collected the most points. Concretely, if the most committed offences are related to speeding infractions, the offender must follow safe driving training. If the most committed offences are related to DUI, the offender must follow a rehabilitation program. The different programs and medical visits are to be paid by the offender. It appears that the rehabilitation programs are mostly followed by the offender willing to regain points.

Concretely, as presented on the AMZS website¹⁴, a Safe Driving Centre:

"The penalty point removal course is intended for all those who have acquired 4, but less than 17 penalty points. Participation in the course is possible on a voluntary basis without a referral, but this is available only to those drivers who have not obtained any penalty points as a result of driving under the influence of alcohol, illegal drugs or other psychoactive substances. After completing the course, 4 penalty points are removed from the driver's record. An individual may participate in the course only once over a period of three years. A certificate for having completed this accredited safe driving course is valid for three months.

Regarding the penalty points obtained due to driving under the influence of alcohol, illegal drugs or other psychoactive substances, participation in the course is possible only with a referral from the Ministry of Justice and Public Administration, a court, or an approved medical practitioner who deems it necessary after a medical examination."

This website also refers to the programme content: "The content of the penalty point removal course is determined by the Ministry of Infrastructure and Spatial Planning. The programme consists of a theoretical and practical component. The theoretical component takes place in the framework of lectures and discussions with training programme participants. It lasts 12 academic (45 min) hours, which are completed over three days in lengths of four academic hours. The practical component is carried out in the form of safe driving exercises over six academic hours, which are completed in one day.

Safe driving exercises are completed with vehicles of:

- B category, holders of a valid category B, C, D or D1 driving license.
- A category, holders of a valid category A driving license.
- A1 category, holders of a valid category A1 driving license.

¹⁴ Details can be found here: <https://www.amzs.si/cvv/en/courses/penalty-point-removal>

- H category, holders of a valid category H driving license.

One academic hour lasts 45 minutes. The price of the Penalty Point Removal Course is 250.00 EUR.”

2.6.2.4 Licensing measures and driving bans for repeat offenders

There are 2 scenarios (1) the offender has committed an 18-points offence; (2) the offender has reached the 18-points threshold.

In the first case (1), an offender has committed an infraction charged with 18-points. This offender will be automatically banned from driving by the police for minimum three weeks (this corresponds to the administrative license withdrawal). After three weeks and until the he/she appears in front of the court, the offender will have the driving license back. In most cases the sentence from the court will be a license revocation for a determined duration (depending on the offence committed as established by the law). In most cases, the offender will have the opportunity to keep their driving license with the conditions to pass a specialized medical exam (including blood analysis). In case of addiction or other troubles, a psychological expertise will be added. The medical exam is paid by the offender (+/- 100€). Based on the medical output, the offender will be redirected by the judge to the driver training (mostly dedicated for speeding offenders) or a rehabilitation program.

Within the rehabilitation program, the offender will be redirected to the educational workshop (6 hours of group meeting), the psychosocial workshop (15 hours of group meetings and 2 hours of individual meetings, spread on 4-5 weeks) or the Medical System (free of charge) but only in case of addiction. In case of reiteration

In addition, the offender will be submitted to a probationary period (from six months to two years, in general it is around one year and a half). During this period no offence sanctioned with more than 3 penalty points can be committed. If a more-than-3-points offence is committed, the driving license is revoked (for the period mentioned in the judgement from the court).

In the second case (2), the offender has reached the 18-points threshold. The driving license will automatically be revoked for 6 months within the administrative proceeding from the Ministry of Justice. To regain the driving license, the offender must retake the practical and the theoretical exam (same procedure as for the beginners).

2.6.2.5 Educational measures and courses

Educational measures are foreseen in case of repeated offences and when the 18-point threshold has been exceeded. These education measures are part of the rehabilitation program for drivers caught for Then to regain the driving license, the reoffender will have to follow an educational program.

2.6.2.6 License reinstatement

Different rules exist for the license reinstatement depending on the type of offence:

- In the case of DUI (alcohol or illicit drugs): after the period of revocation the offender must pass a medical exam and follow a rehabilitation program (including psycho-educational treatment) or an addiction treatment. Additionally, the offender will be subject to a probationary period from 6 to 24 months.
- In case of speeding violation, the offender will have to follow a Driver Improvement course (18 hours of theoretical and practical training). A probationary period from 6 to 24 months is also foreseen.

2.6.2.7 Novice drivers and other specific groups of drivers

In case of DUI, for novice drivers (drivers up to the age of 21 or two years after licensing) and professional drivers, the rule is stricter. In case of drink-driving infractions, when the 7-penalty points threshold in the period of two years is reached, the driving license becomes invalid.

2.6.3 Educational measures in- and outside a possible DPS system

In Slovenia, several training programs exist to obtain a driving license:

- Safe driving training
- Program for beginner drivers

- Educational and psychosocial workshops (gather within the rehabilitation program)
- Emergency transport training providers

In case of license revocation due to a driving under influence of alcohol or illicit drugs, a rehabilitation program is mandatory to obtain a new driving license. There are two programs within the rehabilitation program: a psychosocial workshop and an educational workshop. The rehabilitation program is charged to the offender, 140€ for the educational workshop and 480€ for the psychosocial workshop.

- The educational workshops correspond to 6 hours of group work and the trainer are psychologists with a min. of three years of work experiences and a special training in road safety.
- The psycho-social workshops correspond to 17 hours, including 15 hours of group work, and 2 hours of individual work. This workshop is based on the cognitive-behaviour approach, executors are psychologist with at least five years of similar experiences or some other medical background, with 10 years of experience with addiction programs, they have to pass the special educational training. There is about 30 of them for all programs.

The participants are obligated to fully participated, they can replace just one meeting, so the group stay the same. The rehabilitation programs are provided by the Slovenian Traffic Safety Agency (AVP). Each year, the programs are analysed and feedback from the participants are taken into account. Special evaluation research is in plan still.

For serious speeding violations, offenders have the obligation to follow a Driver Improvement course which consists of 18 hours, 12 theoretical workshops and 6 practical training. A few organisations can give these course (mostly from the field of driving schools, for the instructors there is obligatory condition and special education program). The driving trainings are given by Slovenian Traffic Safety Agency (AVP) authorized organizations, mostly from the driving school's field.

2.7 Countries included in the 2018 benchmarking

2.7.1 France

2.7.1.1 General logic and functioning of the system

The French demerit point system is an administrative system that functions besides the existing legal system.

Even in cases where a driver is judged in court for legal recidivism, the administrative point counting system continues to work in parallel, making it possible for a driver to lose his license twice, both within the legal system and because of being left without any points on his license.

According to <https://www.securite-routiere.gouv.fr/le-permis-points/presentation-du-permis-points>:

Le permis de conduire est doté d'un capital maximal de 12 points, acquis de manière progressive au cours de la période probatoire. Le nombre de points est réduit automatiquement à la suite d'une ou plusieurs infractions pour lesquelles le retrait est prévu par le code de la route. Son objectif est avant tout de responsabiliser les conducteurs sur les voies de circulation et de pénaliser ceux dont les comportements peuvent mettre en danger les autres.

Within the administrative system, the license is invalidated for a period of at least 6 months if a driver has no points left (saldo zero). In this case, the driver has to undergo a medical evaluation and a psychological assessment and repass the theoretical driving examination before being able to be reinstated (drivers obtaining a license for less than 3 years will have to retake both driving exams). <https://www.securite-routiere.gouv.fr/le-permis-points/infractions-et-retrait-de-points/recuperation-du-permis-de-conduire-apres-une>.

2.7.1.2 Characteristics of the system for treating repeat offences

2.7.1.2.1 Infractions included

The unofficial sit <https://www.legipermis.com/infractions/#menu1> contains an interesting list of infractions not included in the point system:

• Contraventions

- Circulation dans une voie de bus - Amende Forfaitaire : 135€ - Amende Minorée 90€
- Conduite sans le signe A pour un conducteur novice - AF : 35€ - AM : 22€
- Refus d'acquiescement du péage - AF : 35€ - AM : 22€
- [Non-présentation de la carte grise](#) - AF : 11€ - AM : 33€
- [Défaut de carte grise](#) - AF : 135€ - AM : 375€
- [Oubli de mentionner le changement d'adresse pour la carte grise](#) - AF : 135€
- [Amende pour non-changement de propriétaire sur la carte grise](#) lors de la vente ou l'achat d'un véhicule - AF : 135€ - AM : 90€
- [Défaut de présentation du contrôle technique](#) - AF : 135€ - AM : 90€
- Plaques d'immatriculation non visibles - AF : 68€ - AM : 45€
- Plaques d'immatriculation absentes ou non réglementaires - AF : 135€ - AM : 90€
- [Non-respect du feu orange](#) (feu jaune fixe) - AF : 35€ - AM : 22€
- [Circuler sur la voie du milieu ou sur la gauche sur Autoroute](#) - AF : 35€ - AM : 22€
- [Amende stationnement payant](#) - AF : 17€ ou plus
- [Stationnement abusif](#) - AF : 35€ à 135€
- [Stationnement gênant](#) - AF : 35€ à 135€
- [Usage abusif du klaxon](#) - AF : 35€ - AM : 22€
- [Éblouissement par feux de route, usage abusif des pleins phares](#) - AF : 135€ - AM : 90€
- [Pneu lisse](#) ou non-conforme - AF : 135€ - AM : 90€
- [Fumer au volant](#), interdiction de la cigarette en voiture - AF : 35€ - AM : 22€
- [Non-Port du casque à vélo pour les enfants](#) de moins de 12 ans - AF : 135€ - AM : 90€
- [Vitesse excessive eu égard aux circonstances](#) - AF : 135€ - AM : 90€
- [Non-désignation de conducteur](#) pour une entreprise avec personnalité morale - AF : 675€ - AM : 450€

The list of offences included and the number of points attributed to each offences can also be downloaded from <https://www.securite-routiere.gouv.fr/le-permis-points/infractions-et-retrait-de-points/bareme-des-retraits-de-point>

2.7.1.2.1.1 Perte de 1 point

- Chevauchement d'une ligne continue - Amende Forfaitaire : 135€ - Amende Minorée : 90€
- Excès de vitesse inférieur à 20km/h - AF : 68€ (135€ en ville) - AM : 45€ (90€ en ville)
- Maintien des feux de route à la rencontre des véhicules provoquant une gêne - Amende Forfaitaire : 135€ - Amende Minorée : 90€
- Non-respect du port des gants obligatoires à moto à la norme CE (Application 20/11/2016) - Amende Forfaitaire : 68€ - Amende Minorée : 45€

2.7.1.2.1.2 Perte de 2 points

- Accélération de l'allure d'un véhicule sur le point d'être dépassé - AF : 135€ - AM : 90€
- Circulation ou stationnement sur un terre-plein central d'autoroute - AF : 135€ - AM : 90€
- Excès de vitesse supérieur à 20kmh et inférieur à 30km/h - AF : 135€ - AM : 90€

2.7.1.2.1.3 Perte de 3 points

- Téléphone au volant tenu en main - Amende Forfaitaire : 135€ - Amende Minorée : 90€
- Oreillettes, écouteurs et kits mains-libres au volant (01/07/2015) - Amende Forfaitaire : 135€ - Amende Minorée : 90€
- Vitres teintées interdites depuis le 01/01/2017 - AF : 135€ - AM : 90€
- Non-port de la ceinture de sécurité - AF : 135€ - AM : 90€
- Non-port du casque ou casque non homologué - AF : 135€ - AM : 90€
- Non-respect des distances de sécurité - AF : 135€ - AM : 90€
- Franchissement d'une ligne continue - AF : 135€ - AM : 90€
- Présence dans le champ de vision du conducteur d'un écran qui ne constitue pas une aide à la conduite ou à la navigation - Amende jusqu'à 1500€
- Circulation sur la gauche de la chaussée à contresens - AF : 135€ - AM : 90€
- Changement important de direction sans que le conducteur ait averti les autres usagers de son intention ou absence de clignotant - AF : 35€ - AM : 22€

- Circuler sur la bande d'arrêt d'urgence - AF : 135€ - AM : 90€
- Arrêt ou stationnement dangereux - AF : 135€
- Dépassement dangereux - AF : 135€ - AM : 90€
- Stationnement sur la chaussée la nuit ou par temps de brouillard, en un lieu dépourvu d'éclairage public, d'un véhicule sans éclairage ni signalisation - AF : 135€ - AM : 90€
- Le fait de conduire un véhicule sans respecter les conditions de validité ou les restrictions d'usage du permis de conduire - AF : 135€ - AM : 90€
- Dépassement par la droite - AF : 135€ - AM : 90€
- Excès de vitesse supérieur à 30kmh et inférieur à 40km/h - AF : 135€ - AM : 90€

2.7.1.2.1.4 Perte de 4 points

- Non-respect des règles de priorité : refus de priorité à droite - Amende Forfaitaire : 135€ - Amende Minorée : 90€
- Non-respect de priorité d'un véhicule prioritaire - AF : 135€ - AM : 90€
- Non-respect d'un Stop - AF : 135€ - AM : 90€
- Non-respect d'un feu rouge - AF : 135€ - AM : 90€
- Circulation en sens interdit - AF : 135€ - AM : 90€
- Marche arrière ou demi-tour sur autoroute - AF : 135€ - AM : 90€
- Excès de vitesse supérieur à 40km/h et inférieur à 50km/h - AF : 135€ - AM : 90€

2.7.1.2.1.5 Perte de 6 points : les contraventions

- Alcool au volant : Conduite ou accompagnement d'un élève conducteur, avec un taux d'alcoolémie compris entre 0,25 et 0,4 mg d'alcool par litre d'air expiré (0,5 et 0,8 g / litre de sang) : 135€ - Amende Minorée : 90€
- Excès de vitesse de plus de 50 km/h constaté par un radar automatique ou un radar mobile - Jusqu'à 1500€ d'Amende (Passage devant le juge automatique).
- Utilisation d'un détecteur de radar, d'un avertisseur ou d'un système anti-radar - 1500€ d'Amende
- Non-respect du cédez-le-passage à un piéton sur un passage clouté - AF : 135€ - AM : 90€

2.7.1.2.1.6 Perte de 6 points : les délits

- Conduite ou accompagnement d'un élève conducteur avec un taux d'alcoolémie égal ou supérieur à 0,40 mg d'alcool par litre d'air expiré (supérieure ou égale à 0,8 g / l de sang) : Jusqu'à 4500€ d'Amende
- Conduite en état d'ivresse manifeste : Jusqu'à 4500€ d'Amende
- Conduite après consommation de stupéfiants dont le cannabis : Jusqu'à 4500€ d'Amende
- Refus de se soumettre aux tests de dépistage de stupéfiants : Jusqu'à 4500€ d'Amende
- Refus de se soumettre aux tests de dépistage d'alcoolémie : Jusqu'à 4500€ d'Amende
- Homicide ou blessures involontaires entraînant une incapacité totale de travail : Jusqu'à 100000€ d'Amende
- Délit de fuite : Jusqu'à 75000€ d'Amende
- Refus d'obtempérer, d'immobiliser le véhicule, de se soumettre aux vérifications : 7500€ d'Amende
- Gêne ou entrave à la circulation - 4500€ d'Amende
- Usage volontaire de fausses plaques d'immatriculation, défaut volontaire de plaques et fausses déclarations - 30000€ d'Amende
- Conduite malgré un retrait de permis comme la suspension, l'annulation, l'invalidation ou la rétention - Jusqu'à 4500€ d'Amende

An alternative overview table of the point attribution table in 2017 (source: visitation report 2018):

Infraction	Nombre de points
Conduite avec une alcoolémie comprise entre 0,5 et 0,8 g / litre de sang (0,25 et 0,4 mg / litre d'air expiré)	6
Conduite avec une alcoolémie égale ou supérieure à 0,8 g / litre de sang ou en état d'ivresse manifeste	6

Récidive de conduite avec une alcoolémie égale ou supérieure à 0,8 g / litre de sang ou en état d'ivresse manifeste	6
Refus de se soumettre à une vérification de présence d'alcool dans le sang	6
Conduite après usage de stupéfiants ou refus de dépistage de stupéfiants	6
Excès de vitesse supérieur à 50 km/h	6
Transport, détention, usage d'appareil destiné à déceler ou perturber les contrôles de vitesse (détecteurs de radars)	6
Conduite malgré une suspension administrative ou judiciaire du permis de conduire ou une rétention du permis de conduire	6
Blessures involontaires causées à un tiers et entraînant une interruption de travail de plus de 3 mois	6
Excès de vitesse égal ou supérieur à 40 km/h et inférieur à 50 km/h	4
Refus de priorité	4
Non-respect de l'arrêt au feu rouge, au stop ou au cédez le passage	4
Circulation en sens interdit	4
Circulation de nuit sans éclairage ou circulation par visibilité insuffisante sans éclairage	4
Excès de vitesse égal ou supérieur à 30 km/h et inférieur à 40 km/h	3
Circulation à gauche sur chaussée à double sens	3
Dépassement dangereux	3
Franchissement de ligne continue	3
Non-respect des distances de sécurité entre deux véhicules	3
Changement de direction sans avertissement préalable	3
Circulation sur bande d'arrêt d'urgence	3
Usage d'un téléphone tenu en main en conduisant ou d'un kit mains libres, d'une oreillette ou d'un casque	3
Stationnement dangereux	3
Dans le cas de la conduite d'un 2 roues : défaut de port du casque	3
Défaut de port de ceinture de sécurité	3
Non-respect de la transparence des vitres avant (pare-brise et vitres latérales conducteur et passager)	3
Excès de vitesse égal ou supérieur à 20 km/h et inférieur à 30 km/h	2
Accélération d'un conducteur sur le point d'être dépassé	2
Excès de vitesse inférieur à 20 km/h	1
Chevauchement de ligne continue	1
Dans le cas de la conduite d'un 2 roues : défaut de port de gants	1

2.7.1.2.2 Point calculation

Novice drivers are subject to specific rules, but in general every driver is assigned 12 points. For every infraction, the corresponding number of points is subtracted. When a driver is left without any point on his or her license, the license is invalidated for a period of 6 months and the driver has to apply for a new license.

For simultaneous offences committed at the same time, a special rule is applied, limiting the maximum number of points that can be subtracted for one event to eight:

Le nombre de points retirés peut varier de 1 à 6 et ne peut pas dépasser 8 si plusieurs infractions sont commises en même temps. (<https://www.securite-routiere.gouv.fr/le-permis-points/infractions-et-retrait-de-points/bareme-des-retraits-de-point>).

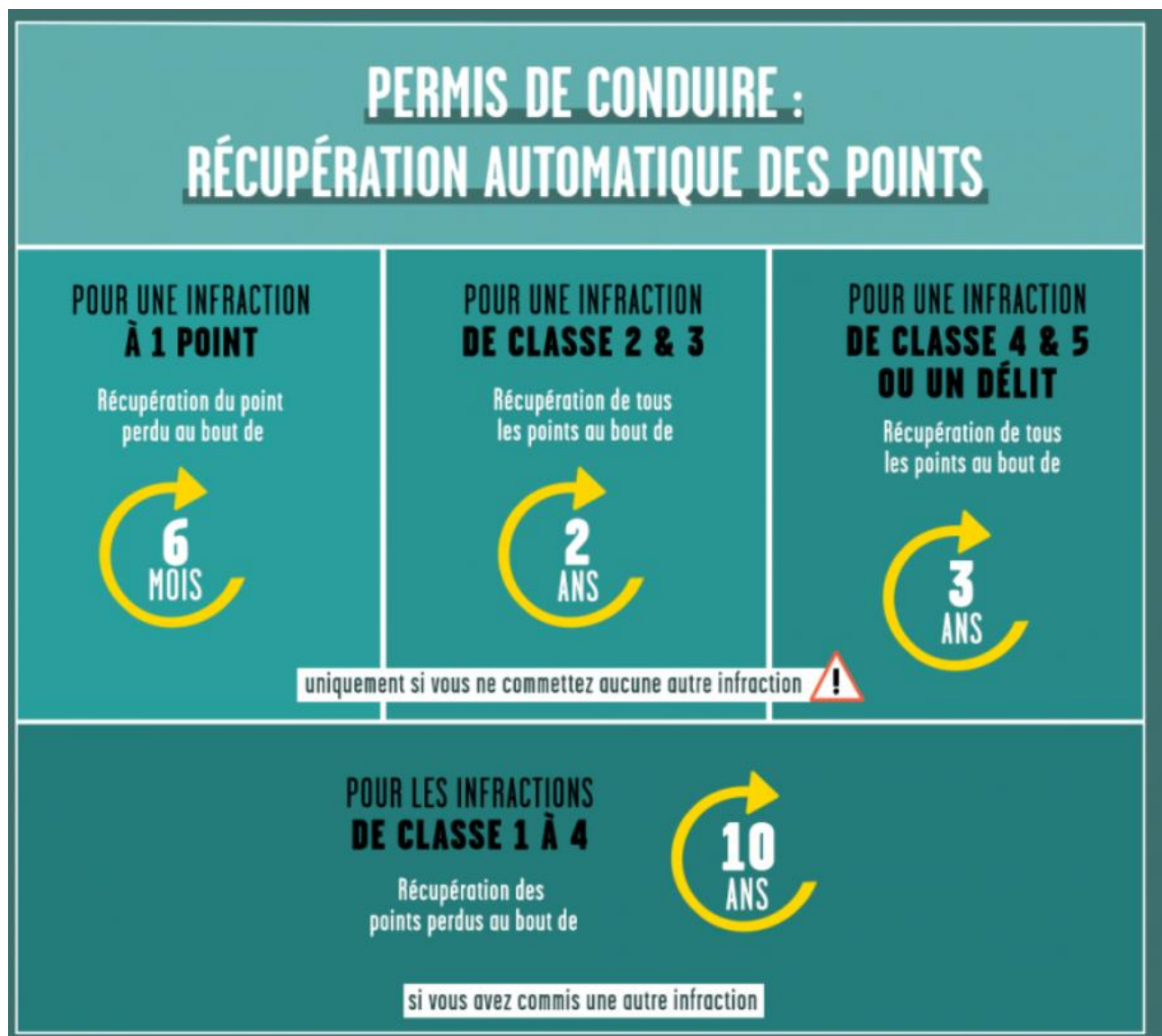
This specification refers only to infractions committed during the same driving event. Infractions committed at different moments on the same day, are counted separately and can lead to a person losing all the points in one day.

In order to qualify for driving a driver has to have at least one point left.

2.7.1.2.3 Point recovery

Drivers can regain points either through not committing any further infractions during a certain period of time or through following road safety courses.

The table included below depicts the applicable schedules for recovering points (<https://www.securite-routiere.gouv.fr/le-permis-points/infractions-et-retrait-de-points/recuperation-automatique-des-points>):

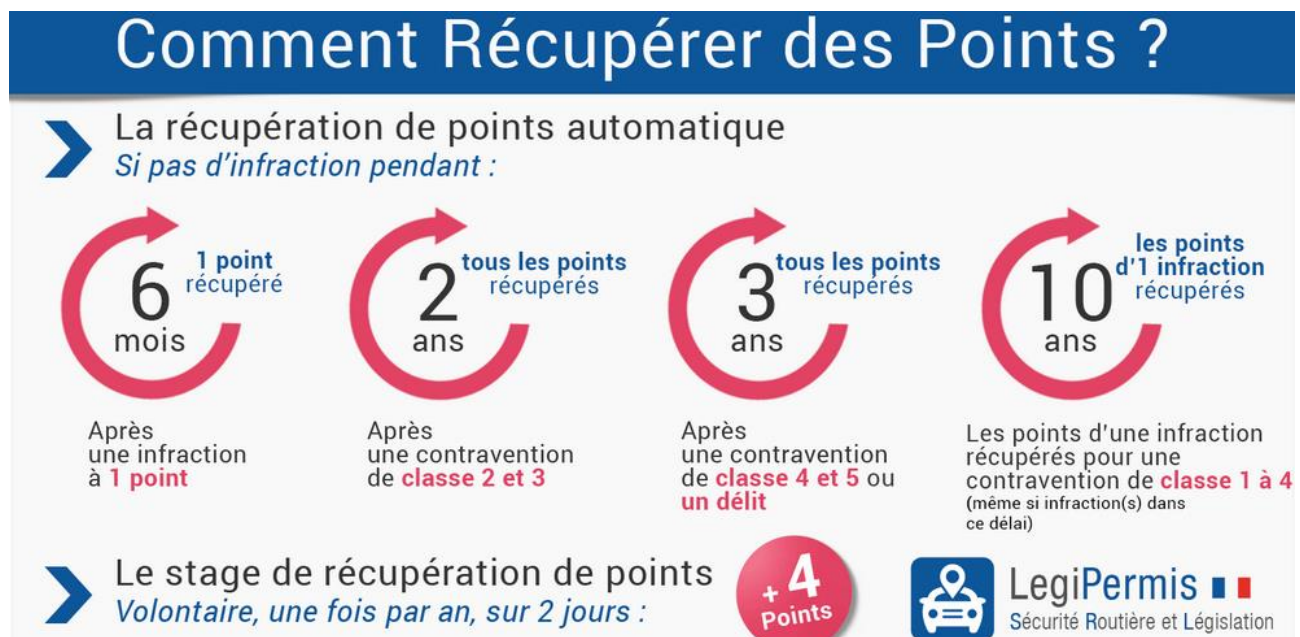


The basic rules can be summarised as:

- the time periods used refer to the time elapsed since the date corresponding to the final execution of the sanction corresponding with the offence (payment of the fine, data of execution of a penal sanction, ...)
- for infractions corresponding to one point, the point is recovered automatically if the driver did not commit any other offence over a 6-month period.
- drivers that only lost points due to committing infractions of the category 1 to 3 can recover all 12 points if they did not commit any other offence (even light) over a two-year period
- if a driver committed an infraction belonging to categories 4 and 5, recovery of the totality of 12 points is only possible after a period of three years without committing any offence

- even if a driver is never able to recover the totality of 12 points (due to insufficient time in between offences to fall under the above rules), the points related to any infractions are cleared from the driver record after a period of 10 years. This rule does, however, not apply to drivers' sanctions in criminal court (class 5 offences).

The applicable rules are nicely summarised in the following infographic from <https://www.legipermis.com/legislation/comment-recuperer-des-points.html>:



Drivers can also recover points by following sensibilisation courses (<https://www.securite-routiere.gouv.fr/le-permis-points/stage-de-sensibilisation-et-recuperation-de-points/stage-de-sensibilisation-la>):

Courses can either be followed voluntarily but can also be mandatory imposed in two cases: when applied by a police judge as a sanction or when a driver committed an infraction leading to a loss of three or more points. Drivers that have to follow the course due to an order of the public attorney or when imposed by a judge are not able to recover points through following the course.

Drivers recover 4 points after following road safety courses. Courses can however only be followed by drivers that did not yet lose the totality of points and hence had their license invalidated.

Drivers can follow as many courses as they want, provided the time in between to courses is bigger than one year (counting day to day).

For novice drivers' specific rules apply.

2.7.1.2.4 Licensing measures and driving bans for repeat offenders

Repeat offenders are automatically followed up through the demerit point system. Legal rulings also take the drivers offence history into account, but this is a separate parallel process.

2.7.1.2.5 Educational measures and courses

Sensibilisation courses that allow to recover points are described in <https://www.securite-routiere.gouv.fr/le-permis-points/stage-de-sensibilisation-et-recuperation-de-points/stage-de-sensibilisation-la>. Courses are organised on two consecutive days, taking a total of 14 hours. The courses cover all factors involved in road unsafety and specific modules like for instance speeding or driving under the influence. Courses are organised by specialised and approved centres and are given by road safety experts and psychologists. The costs of the courses vary according the organisms organising the courses, ranging from 100 to 280 Euro.

Faire un stage de sensibilisation à la sécurité routière permet de récupérer des points sur votre permis de conduire. La participation à un stage peut être volontaire ou proposée par un juge en remplacement d'une sanction. Elle est obligatoire lorsque le titulaire d'un permis probatoire a commis une infraction sanctionnée par un retrait d'au moins trois points. Dans tous les cas, le déroulement du stage est identique. (<https://www.securite-routiere.gouv.fr/le-permis-points/stage-de-sensibilisation-et-recuperation-de-points>)

2.7.1.2.6 License reinstatement

Drivers left without points are informed by letter (<https://www.legipermis.com/legislation/lettre-48si-permis-invalide.html>), obliging them to hand in their license within 10 days. Drivers without license cannot follow road safety courses.

The procedure for recovering the license depends on whether or not the driver has been in possession of a license for more than three years. For non-novice drivers, the procedure to be followed is:

- a driver can only apply for a new license after a 6-month suspension period (or a 1 years suspension period if the license has already been invalidated in the last 5 years)
- the driver has to pass a medical examination
- the driver has to pass a psychological examination
- the driver has to repass the theoretical driving examination
- novice drivers are subject to specific reinstatement rules,

2.7.1.2.7 Novice drivers and other specific groups of drivers

Specific regulations apply to novice drivers not holding a license for more than three years.

2.7.2Spain

2.7.2.1 General logic and functioning of the system

Since Spain was not part of the systematic benchmark, only partial information could be collected from the official website <https://sede.dgt.gob.es/es/permisos-de-conducir/permiso-por-puntos/mas-informacion.shtml#>.

The global functioning of the Spanish demerit point system, introduced in 2006, is very similar to the system currently applied in France. Management of the point system is an administrative process that runs in parallel to possible legal court procedures.

The Spanish system is a subtractive system in which novice drivers and driver's who re-obtain their license after withdrawal start with 8 points and drivers can accumulate a maximum of 12 points over the course of time. Drivers are allowed to drive as long as they have at least one point left on the license. Drivers without any points left have to hand in their license and follow the procedure for regranting the license. The demerit point system applies to the driver, not to particular drivers' licenses. When the license is lost, the driver loses the right to drive whatever vehicle for which he originally had a license.

2.7.2.2 Characteristics of the system for treating repeat offences

2.7.2.2.1 Infractions included

A complete list of infractions that lead to the loss of points is not readily available from the dgt website. According to dgt the system is designed to sanction "serious and very serious" offences. Drivers can lose 2, 3, 4 or 6 points per violation depending on the severity.

As a general rule a driver cannot lose more than 8 points in a day, but there are exceptions, when it comes to some infractions, they are very serious. This is possible for for instance:

You drive with illegal levels of alcohol, or with the presence of drugs in the body

You refuse to submit to drug and alcohol tests

You exceed the authorized speed by more than 50%

You are manifestly reckless driving

You drive a vehicle with radar jammers installed

Circulate in the opposite direction to that established

You run unauthorized races

You breach the mandatory driving and rest times by more than 50% if you are a professional driver.

The indicative table of infractions leading to the loss of points available from dgt is:

Type of offense	Sanctions	Points	Standard (legal considerations)
Speeding	Between € 100 and € 600	2 to 6 points	Speeding in excess of 60 km / h on urban roads and 80 km / h on interurban roads is a crime.
Alcohol or other drugs	Between € 500 and € 1000	From 4 to 6 points	The maximum alcohol level for novice and professional drivers is 0.15 mg / l in exhaled air. For the rest of drivers, it is 0.25 mg / l and, if it exceeds 0.60 mg / l, it is a crime. Of other drugs, any presence in the body is grounds for sanction.
Use of mobile devices	200 €	3 points	While driving, using a mobile without hands-free, reading or sending messages or using headphones (even just one) is a reason for sanction. Also, the manual use of browsers or other electronic devices.
Not wearing a helmet or not doing it correctly	200 €	3 points	The motorist will be responsible if the passenger does not wear a helmet or if they are not of the minimum age required.
Belt and child restraint system (SRI)	200 €	3 points	The seatbelt must be used in all seats and must be correctly fastened. Tweezers or systems that alter or block their operation cannot be used. The driver is responsible (with the corresponding withdrawal of points) if a child travels without SRI (Child Restraint System).
STOP and red traffic light	200 €	4 points	The red traffic light and the STOP sign always force you to stop. In the case of STOP, this obligation also affects the road markings painted on the road, even if there is no vertical sign.
Forbidden lane or opposite direction	Between € 200 and € 500	Up to 6 points	Driving in the opposite direction or in prohibited lanes is a very serious offense.
Safety distance	200 €	4 points	The driver always has to maintain a safe distance from the vehicle in front that allows him to stop without collision. This distance must be greater at higher speeds or in adverse weather conditions.
Cyclist/ Pedestrian Priority	200 €	Up to 4 points	Cyclists have priority of way over motor vehicles when traveling on a properly marked bike lane, cycle path or shoulder.

The sanctions for speeding included in the table below show that only serious speeding offences are included in the point system:

Limit (km / h)	twenty	30	40	fifty	60	70	80	90	100	110	120	Penalty fee	Points
Serious	twenty-one	31	41	51	61	71	81	91	101	111	121	€ 100	-
	40	fifty	60	70	90	100	110	120	130	140	150		
Serious	41	51	61	71	91	101	111	121	131	141	151	€ 300	two
	fifty	60	70	80	110	120	130	140	150	160	170		
Serious	51	61	71	81	111	121	131	141	151	161	171	€ 400	4
	60	70	80	90	120	130	140	150	160	170	180		
Serious	61	71	81	91	121	131	141	151	161	171	181	€ 500	6
	70	80	90	100	130	140	150	160	170	180	190		
Very serious	71	81	91	101	131	141	151	161	171	181	191	€ 600	6

Driving 69 km/h in a 50 km/h zone will not loose drivers to lose points.

This contrasts somehow, with the qualification of not wearing a seat belt, which leads to a loss of 3 points according to the table above, which is more than the 2-point loss for driving 79 km/h in a 50 km/h zone.

The infographic taken from <https://sede.dgt.gob.es/sede-estaticos/Galerias/multas/otras-infracciones/infracciones-puntos-EN.pdf> - on the other hand - refers to speeding in excess of 60 km/h in urban areas as an infractions that will possibly lose to the loss of points, so this is to be checked with the Spanish authorities.

Demerit point offences

TYPE OF OFFENCE	FINES	POINTS	Road Rules
 Speeding	€100 - €600	2 - 6 points	Driving at speeds of more than 60 km/h on urban roads and 80 km/h on interurban roads is a punishable offence.
 Alcohol or other drugs	€500 - €1000	4 - 6 points	The maximum alcohol limit for newly qualified drivers and professional drivers is 0.15 mg/l. For other drivers the maximum limit is 0.25 mg/l. Levels above 0.60 mg/l are deemed to be a punishable offence. In the case of other drugs, any presence in the organism is a punishable offence.
 Use of mobile devices	€200	3 points	Using a mobile phone without a hands-free device, reading or sending messages and use of headphones (including only one) is a punishable offence, as is manual use of GPS navigation and other electronic devices.
 Failure to use helmet	€200	3 points	Motorcyclists are held liable if a passenger does not wear a helmet or if they do not have the minimum required age.
 Safety belt and child restraint system	€200	3 points	Safety belts must be used in all seats and be correctly fastened. Other systems that alter or block their functioning may not be used. The driver is liable for any child who travels without a child restraint system and shall incur the corresponding demerit points.
 STOP signs and red lights	€200	4 points	It is mandatory to stop for red lights and STOP signs. In the case of STOP signs, this obligation also applies to markings painted on the road, even if there is no vertical sign.
 Prohibited lane or driving wrong way	€200 - €500	Up to 6 points	Driving the wrong way or in prohibited lanes is a very serious offence.
 Safety distance	€200	4 points	Drivers must always keep a safe distance from the vehicle in front to allow braking without collision. This distance will be greater depending on the speed and the weather conditions.
 Failing to give way to cyclists / pedestrians	€200	Up to 4 points	Motor vehicles must give way to cyclists when they are travelling on a cycle lane, cycle crossing or duly signposted road shoulder.

2.7.2.2.2 Point calculation

Points are subtracted. In principle a maximum of 8 points can be lost in a day, but as shown in the table included above, in case of serious offences, drivers can lose all their points in one day in case of very severe infractions.

2.7.2.2.3 Point recovery

Points can either be recovered through not reoffending (for any offence) in a two-year time period (in which case the totality of 12 points is recovered) or by following a "road awareness and re-education course". Drivers entering or re-entering the system with 8 points can obtain 12 points after a period of 2 years without infractions or by following a course.

Each driver can follow a course every 2 years, or every year in case of professional drivers.

There seems to be no specific system for clearing infractions from the individual drivers' record.

2.7.2.2.4 Licensing measures and license reinstatement

Drivers who lost all points are notified and are obliged to hand in their license at any police office. Non-professional drivers are disqualified for a period of 6 months, professional drivers for a period of 3 months.

After this 6-month disqualification period, drivers must:

- follow a road awareness and re-education course
- pass an exam on the content of the courses taken

2.8 Comparative overview table

In Appendix 3 a summary overview of the main characteristics of the system applied in each of the benchmarking countries is given. This allows to get a quick summary over of:

- the application of DPS systems and if so, the different characteristics of each system
- sanctions coupled to accumulated offences, either within or outside the possible DPS system
- procedures for license reinstatement in case of license withdrawal
- databases used to register offenders
- the application of DI courses
- implication of fitness-to-drive evaluations and driving examinations in the system

3 Case scenario-based comparison

In order to compare sanctions for different scenarios of repeat offences, the international experts were asked to describe the typical sanction for different types of repeat offences: repeat offences with different frequencies for the same type of offence, for combinations of different types of offences, etc... This allows to make a detailed and concrete comparison of current Belgian practice with the benchmarking countries.

3.1 Comparative table

1. Multiple minor (and identical) speed offences

2 years ago: driving 65 km/h in an area with a speed limit of 50 km/h

1 year ago: driving 65 km/h in an area with a speed limit of 50 km/h

Today: driving 65 km/h in an area with a speed limit of 50 km/h

Finland	Norway	Portugal	Switzerland	UK	Slovenia
Speed limit maximum 60 km/h and speeding 15 km/h => traffic penalty fee 170 €. Driver has gathered 3 fines within 2 years => Driver will get information letter, which tells that one more similar type of sanction will cause driving ban (if four violations for 2 years).	The latest offense results in a fine of NOK 4050 (approx. 405 euro) and two penalty points. Penalty point balance will be six points. No registration in fine register.	1st "Minor Offence" The traffic offender will pay a fine between € 60 and € 300. 2nd "Minor Offence" The traffic offender will pay a fine between € 60 and € 300. 3rd "Minor Offence" The traffic offender will pay a fine between € 60 and € 300.	Fixed fine of 250 CHF for driving 65 km/h in an area with a speed limit of 50 km/h, no influence of the previous offences.	2 years ago - £100 +3 penalty points 1 year ago - £100 + 3 penalty points Today - £100 +3 penalty points The driver would now have 9 penalty points within 3 years. If they get 3 more points within a year they face disqualification from driving for 6-12 months.	2 years ago: driving 65 km/h in an area with a speed limit of 50 km/h - 250 EUR, 3 penalty points 1 year ago: driving 65 km/h in an area with a speed limit of 50 km/h - 250 EUR, 3 penalty points today: driving 65 km/h in an area with a speed limit of 50 km/h - 250 EUR, 3 penalty points

When a driver in Norway or in the UK drives three times 15 km/h too fast in an area with a speed limit of 50 km/h within two years, he will be registered as a repeated offender. In Norway and UK, these offences are part of the Demerit Point System. Thus, multiple minor speed offences are sanctioned more severe in Norway and UK compared to Belgium. In Portugal, Slovenia and Switzerland, the sanction severity for multiple minor speed offences is comparable to the sanction severity in

Belgium. Finland applies a different approach, in the sense that a driver will get an information letter after committing three minor speed offences. The information letter warns for a driving ban if the driver commits four minor speed offences within two years. In Slovenia, there are no specific measures due to the sum of these three infractions (resulting with 6 penalty points – out of 18).

2. Frequent minor speed offences

2 years ago: driving 65 km/h in an area with a speed limit of 50 km/h

18 months ago: driving 65 km/h in an area with a speed limit of 50 km/h

1 year ago: driving 65 km/h in an area with a speed limit of 50 km/h

6 months ago: driving 65 km/h in an area with a speed limit of 50 km/h

Today: driving 65 km/h in an area with a speed limit of 50 km/h

Finland	Norway	Portugal	Switzerland	UK	Slovenia
Same as previous – 170 € – After the fourth sanction police could impose driving ban, minimum 1 month. But if the 5th sanction (today) is happened, then it will be taken into account when police defining the length of driving ban. Normally driving ban in this case will be 12 weeks (3 months) – variation 7 – 17 weeks.	This driver will have had his license revoked after the offence 6 months ago, and the offence today would probably have been a case of unlicensed driving, which is handled by criminal proceedings. If they had got their license back before the latest offence, penalty point balance would have been set to zero at the start of disqualification, and the new offence would increase the balance to two points.	1st "Minor Offence" The traffic offender will pay a fine between € 60 and € 300. 2nd "Minor Offence" The traffic offender will pay a fine between € 60 and € 300. 3rd "Minor Offence" The traffic offender will pay a fine between € 60 and € 300. 4th "Minor Offence" The traffic offender will pay a fine between € 60 and € 300. 5th "Minor Offence" The traffic offender will pay a fine between € 60 and € 300.	Fixed fine of 250 CHF for driving 65 km/h in an area with a speed limit of 50 km/h, no influence of the previous offences.	2 years ago - £100 +3 penalty points 18 months ago - £100 + 3 penalty points 1 year – ago £100 + 3 penalty points 6 months ago – reported to court for reaching 12 points within 3 years, they face disqualification from driving for between 6 to 12 months. Today – Driving whist disqualified – report to court repeat offender twice within 2 years- 18-month disqualification and 0-6 months in prison.	2 years ago: driving 65 km/h in an area with a speed limit of 50 km/h - 250 EUR, 3 penalty points 18 months ago: driving 65 km/h in an area with a speed limit of 50 km/h - 250 EUR, 3 penalty points 1 year ago: driving 65 km/h in an area with a speed limit of 50 km/h - 250 EUR, 3 penalty points 6 months ago: driving 65 km/h in an area with a speed limit of 50 km/h - 250 EUR, 3 penalty points today: driving 65 km/h in an area with a speed limit of 50 km/h → 250 EUR, 3 penalty points

When a driver in Norway or the UK drives five times 15 km/h too fast in an area with a speed limit of 50 km/h, the driver will be registered as a repeat offender, and he will collect points on his driver license. In both countries, the last minor speed offence will be seen as unlicensed driving and thus handled by criminal court. In Finland, the driver will also be seen as a repeat offender after committing four times a minor speed offence within two years. In this case, the driver will receive a driving ban and the fifth speed offence will probably be seen as unlicensed driving. In Norway, Finland and the UK repeated minor speed offences are sanctioned more severe compared to Belgium. Portugal and Switzerland use a procedure that is similar to the one in Belgium. In that sense that repeated minor speed offences are sanctioned with a fine and don't have additional consequences, except in Slovenia where the offender will also collect penalty points (in the case here: 15 penalty points. If the offender had collected 16-points, he would have received a warning letter).

3. Multiple dui offences

2 years ago: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air)

1 year ago: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air)

Today: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air)

=> For the UK the scenario as set to 0.9 g/l BAC in order to take their higher legal limit into account

Finland	Norway	Portugal	Switzerland	UK	Slovenia
Repeater DUI – about 50-day fines. Day fine is depending on incomes. It may variate much. The minimum day fine is 6 € => $50 \times 6 = 300$ €, but if net incomes 5000€/month, then 79 € => $50 \times 79 = 3950$ €. Driving ban minimum 6 month, normal 8 months, variation 7-9 months.	Each offence is sanctioned by a fine amounting to 1.5 times the driver's monthly income, license revocation for at least 1 year, and a conditional imprisonment sentence (in severe cases unconditional imprisonment may be incurred). Possibly, a revocation considerably longer than one year may be enforced even after the second offence; in this case the third offence would be unlicensed driving.	1st "major offence": The traffic offender is sanctioned with minus 3 points, temporarily driving disqualification of a minimum duration of one month and a maximum of one-year and fine payment between € 250 to € 1250. Temporarily driving disqualification may be suspended for 6 months to 1 year without obligation to comply with any legal measure. 2nd "major offence": The traffic offender is considered recidivist and sanctioned with minus 3 points, temporarily driving disqualification of a minimum duration of two months and a maximum of one year and fine payment between € 250 to € 1250. Temporarily driving	Criminal proceeding: The recommended "fine tariff" of the Swiss Conference of Public Prosecutors can be found here. For this type of offence, the recommended fine for first time offenders should be at least CHF 600, higher for reoffenders. Administrative proceeding: Considered a minor offence, but as it is the second withdrawal (2 years ago: warning, one year ago: one month withdrawal) it is going to be more than the minimal suspension of 1	2 years ago – report to court for disqualification 12-month disqualification 1 year ago – report to court for disqualification 3-year disqualification as 2nd offence within 10 years. Today – report to court: potential 0-6 months prison sentence + new 3 year driving disqualification.	2 years ago: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air) 600 EUR, 8 penalty points 1 year ago: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air) 600 EUR, 8 penalty points today: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air) 600 EUR, 8 penalty points

		<p>disqualification period may be suspended for a period of 1 up to 2 years if the administrative decision allows the driver, individually or cumulatively, to opt for participation in training session (at PRP) and/or fulfil specific duties provided for in other legal diplomas.</p> <p>It may also be suspended on a good conduct bond between €500 and €5000, taking into account the duration of the ancillary penalty imposed and the economic situation of the offender.</p> <p>Drivers on a probationary regime will be sanctioned with driving license withdrawal as well as the payment of a fine set by the court.</p> <p>3rd "major offence": The traffic offender is considered recidivist and sanctioned with minus 3 points, temporarily driving disqualification of a minimum duration of two months and a maximum of one year and fine payment between € 250 to € 1250. The driver will not be able to suspend the temporarily driving disqualification. The driver who reaches 3 points will have to take a theoretical driving exam with mandatory approval.</p>	<p>month, normally two or three months.</p>		<p>After third violation, the driver will exceed 18 penalty points. Ministry of justice will send information to court; the driver will lose driving license.</p>
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Driving three times in two years with a BAC of 0.70 g/l (read: 0.2 g/l above the legal limit - which was set to 0.9 g/l for the UK) is seen in all the six investigated countries as a repeat offence. This means that the sanction severity in these six countries for multiple 'minor' driving under the influence offences is higher compared

to Belgium, where such a driver isn't legally considered as a repeat offender. In Finland and Norway, drivers will get an income based fine and a driving ban for driving under the influence of alcohol with a BAC of 0.70 g/l. In Portugal this type of offence is included in the Demerit Point System. In Switzerland and the UK, these offences will be immediately reported to court. In Slovenia, it is only at the third offence that the offender will be reported to court for a driving license measure.

4. Multiple minor offences including dui

2 years ago: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air) (0.9 g/l was used for the UK scenario)

1 year ago: driving 65 km/h in an area with a speed limit of 50 km/h

Today: hand-held mobile phone use behind the wheel

Finland	Norway	Portugal	Switzerland	UK	Slovenia
DUI do not belong violations, which are calculated as repeated offences. Today mobile phone use when driving => traffic penalty fee 100 €. And the last sanction will be calculated as repeated offences (now second violation within a year).	The latest offence will result in a fine of NOK 5000 (approx. 500 euro) and 3 penalty points, which are added to two points after the second offence, resulting in a balance of five points and a warning letter. The dui offence two years ago will probably not influence the sanctions for the latest two offences (which are handled administratively).	1st "major offence": The traffic offender is sanctioned with minus 3 points, temporarily driving disqualification of a minimum duration of one month and a maximum of one-year, fine payment between € 250 to € 1250. Temporarily driving disqualification may be suspended without obligation to comply with any legal measure. 2nd "Minor offence": The traffic offender will pay a fine between € 60 and € 300. 3rd "major offence": The traffic offender is considered recidivist and sanctioned with minus 3 points, temporarily driving disqualification of a minimum duration of two months and a maximum of one year and fine payment between € 250 to € 1250. Temporarily driving disqualification period may be suspended for a period of 1 up to 2 years if the administrative	Two different situations: - Holding hand-held mobile phone to the ear while being on the phone: fixed fine of 100 CHF, no influence of previous offences. - Using hand held mobile phone in another way: o criminal procedure: Fine of about CHF 300 – CHF 500, influence of the DUI, but not the speeding. No influence of the speeding 1 year ago. o administrative procedure: Considered at least as moderately severe, the driving license is revoked for at least one month If the DUI was under two years ago from the date of the offence it	2 years ago – report to court for disqualification 12-month disqualification 1 year ago - £100 fixed pen plus 3 pts Today £200 fixed pen plus 6 pts. The driver would retain their right to drive but would be on 9 pts so once more minor offence would lead to a disqualification with the next 2 years.	2 years ago: drink driving with a BAC of 0.70 g/l (about 0.30 mg/l alcohol in exhaled air) 600 EUR, 8 penalty points 1 year ago: driving 65 km/h in an area with a speed limit of 50 km/h 250 EUR, 3 penalty points today: hand-held mobile phone use behind the wheel 250 EUR, 3 penalty points (from 11.8.2021)

		<p>decision allows the driver, individually or cumulatively, to opt for participation in training session (at PRP) and/or fulfil specific duties provided for in other legal diplomas.</p> <p>It may also be suspended on a good conduct bond between €500 and €5000, taking into account the duration of the ancillary penalty imposed and the economic situation of the offender.</p> <p>Drivers on a probationary regime will be sanctioned with driving license withdrawal as well as the payment of a fine set by the court.</p>	<p>has a punishment aggravating character. In that case the revocation of the driving license would probably be two months.</p> <p>No influence of the speeding 1 year ago.</p>		
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Conducting three different minor offences including DUI in two years, is counted in most countries, except Switzerland, as repeat offences. In Finland, the driver is seen as a repeat offender because he committed a speed offence and used his mobile phone behind the wheel in one year. In Norway, the driver is also seen as a repeat offender for the same combination of offences. There will be penalty points added to the driver license of the driver in Norway. In Portugal, driving under the influence of alcohol with a BAC of 0.70 g/l and hand-held phone use behind the wheel are counted as repeat offences. There will also be points added to the driver license of the driver for those offences. In the UK, the combination of speeding and mobile phone-use behind the wheel is seen as repeat offences and points will be added on the driver license of the driver. Compared to Belgium, the sanction severity is high for the combination of a speed offence and hand-held phone use behind the wheel. For Slovenia, the reiteration of these offences does not imply specific measure.

5. Multiple minor offences not including dui

2 years ago: driving without seatbelt

1 year ago: hand-held mobile phone use behind the wheel

Today: driving 65 km/h in an area with a speed limit of 50 km/h

Finland	Norway	Portugal	Switzerland	UK	Slovenia
Driving without seatbelt is not calculated as repeated offences, but mobile phone use is in the list of violations to taken into account. Speed limit maximum 60 km/h and speeding 15 km/h => traffic penalty fee 170 €. Now two violations as repeated within a year => no consequences.	Driving without seatbelt results in a fixed fine of NOK1500 (approx. 150 €), and no penalty points. The offence today results in two points that are added to three points for the hand-held mobile phone use. The point balance will be five points and a warning letter is sent.	1st "Minor Offence" The traffic offender is sanctioned with a fine between € 120 and € 600. 2nd "major offence": The traffic offender is sanctioned with minus 3 points and temporarily driving disqualification of a minimum duration of one month and a maximum of one-year, fine payment between € 250 to € 1250. Temporarily driving disqualification may be suspended without obligation to comply with any legal measure. 3rd "Minor Offence" The traffic offender is sanctioned with a fine between € 60 and € 300.	Fixed fine of 250 CHF for driving 65 km/h in an area with a speed limit of 50 km/h, no influence of the previous offences.	2 years ago, £100 plus 3 points for no seat belt 1 year ago £200 plus 6 points for driving using a mobile phone Today reported to court for reaching 12 points within 3 years, they face disqualification from driving for between 6 to 12 months.	2 years ago: driving without seatbelt 120 EUR 1 year ago: hand-held mobile phone use behind the wheel 120 EUR (previous legislation), (from 11.8.2021 it is 250 EUR, 3 penalty points) today: driving 65 km/h in an area with a speed limit of 50 km/h 250 EUR, 3 penalty points

In most countries, except UK, driving without seatbelt is not included in the Demerit Point System and the driver only needs to pay a fine for committing that type of offence. So, for driving without a seatbelt, only in the UK the sanction severity is higher compared to Belgium. In the other countries included in the in-depth analysis, the sanction severity for driving without a seatbelt is comparable to the sanction severity in Belgium. In Norway, the combination of hand-held mobile phone use and driving 15 km/h too fast in an area with a speed limit of 50 km/h is registered as repeat offences and the offences are included in the Demerit Point System. In Portugal, only hand-held phone use behind the wheel is included in the Demerit Point System. In UK, all offences are included in the Demerit Point System and after committing them all in two years, the driver will be disqualified from driving. For Slovenia, it is only since august 2021 that the use of the phone behind the wheel is included in the penalty point so it would not be counted in the point system if it was committed one year ago. Hand-held mobile phone use behind the wheel implies sanctions more severe in most countries of the in-depth analysis compared to Belgium.

6. Multiple minor offences committed at the same time

no previous offences

Today: driving without seatbelt, hand-held mobile phone use behind the wheel, driving 65 km/h in an area with a speed limit of 50 km/h

Finland	Norway	Portugal	Switzerland	UK	Slovenia
Sanction based on the strictest sanction increased with 40 €. Strictest on the list is the speeding, 170 € + added 40 € => 210 €.	The fines will be NOK 1500 for not using the seatbelt, NOK 5000 for the phone use, and NOK 4050 for the speeding, a total of NOK 10550 before penalty discount. With multiple fines at the same time, a 50% discount is given for the penalties except the largest one: NOK 5000 for the phone use + NOK 750 for not using seat belt (50% discount) + NOK 2025 for the speeding (50% discount) = a total of NOK 7775 (approx. 775 euro). In addition, 5 penalty points are issued (3 for phone use and 2 for speeding), and a warning letter is sent.	1st "Minor Offence" The traffic offender is sanctioned with a fine between € 120 and € 600. 2nd "major offence": The traffic offender is sanctioned with minus 3 points, temporarily driving disqualification of a minimum duration of one month and a maximum of one-year and fine payment between € 250 to € 1250. Temporarily driving disqualification may be suspended without obligation to comply with any legal measure. 3rd "Minor Offence" The traffic offender will pay a fine between € 60 and € 300.	As in question 4: two different situations, depending on the way of mobile phone use: - Holding hand-held mobile phone to the ear while being on the phone: Fixed fine of total 410 CHF (driving without seatbelt: 60 CHF, phoning without a handsfree: 100 CHF, driving 65 km/h in an area with a speed limit of 50 km/h: 250 CHF) - Using the mobile phone in another way: o criminal procedure: Fine of probably around 700 – 800 CHF o administrative procedure: at least as moderately severe, driving license suspended for at least one month.	Reported to court for 3 or more offences each carrying 3 to 6 points (seatbelt 3 points, mobile phone 6 points, speeding 3 points) reported to court for reaching 12 points within 3 years, they face disqualification from driving for between 6 to 12 months.	120 EUR + 250 EUR, 3 penalty points + 250 EUR, 3 penalty points = 620 EU, 6 penalty points

In most countries, the driver will be sanctioned in the same way when he commits the three offences on the same day as within two years (see previous case scenario). This is the case in Portugal, Switzerland, Slovenia and UK. In Finland, the highest fine will be increased with 40 euro. In Norway, a 50% discount is given to the fines, except for the biggest one. In Finland and Norway, the sanction severity is less high compared to Belgium when committing multiple minor offences at the same time, because the fines are less high when the offences are committed on the same day. Whereas, in Belgium, a driver needs to pay all the separate fines for the separate offences.

7. Multiple minor offences over a longer period of time

4 years ago: hand-held mobile phone use behind the wheel

2 years ago: failure to use the direction indicators

Today: driving 65 km/h in an area with a speed limit of 50 km/h

Finland	Norway	Portugal	Switzerland	UK	Slovenia
Violation 4 year ago will not any more be calculated into repeated offences. Failure to use the direction indicators is not violation, which are calculated to repeated offences. Today, speeding 170 €	The 3 penalty points for the phone use have expired one year ago. The failure to use direction indicators resulted in a fixed fine of NOK 2750 (approx. 275 euro). The offense today results in a fixed fine of NOKk 4050 (approx. 405 euro) and 2 penalty points, which is also the point balance since the previous points have expired.	1st "major offence": The traffic offender is sanctioned with minus 3 points, temporarily driving disqualification of a minimum duration of one month and a maximum of one-year and fine payment between € 250 to € 1250. Temporarily driving disqualification may be suspended without obligation to comply with any legal measure. 2nd "Minor Offence" the offender will pay a fine between € 30 and € 150. 3rd "Minor Offence" the offender will pay a fine between € 60 and € 300.	Fixed fine of 250 CHF for driving 65 km/h in an area with a speed limit of 50 km/h, no influence of the previous offences.	4 years ago, £200 fixed pen plus 6 penalty points 2 years ago, no specific offence for fail to use direction indicators (although could be classed as careless driving) Today £100 plus 3 penalty points As the first offence is more than 3 years ago those points would be classed as spent and not count towards the 12-point limit – the driver would now have only 3 pts on their license.	4 years ago: hand-held mobile phone use behind the wheel 120 EUR (previous legislation), (from 11.8.2021 it is 250 EUR, 3 penalty points) 2 years ago: failure to use the direction indicators 120 EUR today: driving 65 km/h in an area with a speed limit of 50 km/h 250 EUR, 3 penalty points

In all the countries, the offence of 4 years ago (hand-held mobile phone use) isn't considered as a repeat offence, so the driver will not be registered as a repeat offender. The penalty points of the first offence aren't registered on the driver license anymore. Thus, the sanction severity for committing three minor offences in a period of four years is similar in the investigated countries compared to Belgium. Failure to use the direction indicators leads in most countries to a fine, this is similar in Belgium. In Norway and the UK, only penalty points for the last speeding offence will be registered on the driver his driver license.

8. Severe offence with a history of minor offences

2 years ago: driving 65 km/h in an area with a speed limit of 50 km/h

1 year ago: driving 65 km/h in an area with a speed limit of 50 km/h

Today: drink-driving with a BAC of 1.20 g/l (about 0.52 mg/l alcohol in exhaled air)

Finland	Norway	Portugal	Switzerland	UK	Slovenia
<p>Minor offences in the history do not affect to sanction of DUI. DUI 1.2/0.53 is the limit of aggravated DUI – so, if it is 0.52 it's not aggravated – but if it is 1.2=0.53 it is. Then minimum sanction is 60-day fines. It could be the minimum for this DUI, which is on the limit of aggravated DUI. Driving ban for the first time DUI (aggravated) would be normally 7 months, variation 3-8 kk, for repeater (one DUI below 1.2 for 5 years) normally 11 kk, variation 6-12 months and for repeater (one aggravated DUI during 5 years) normally 1 yr 2 months, variation 1 yr – 1 yr 4 months.</p>	<p>The drink driving is sanctioned by a fine amounting to 1.5 times the driver's monthly income, license revocation for at least 1 year, and a conditional imprisonment sentence (in severe cases unconditional imprisonment by be incurred). The previous offences will not have any influence on the sanctions.</p>	<p>1st "Minor Offence" the offender will pay a fine between € 60 and € 300. 2nd "Minor Offence" the offender will pay a fine between € 60 and € 300. 3rd "Crime" Drivers on a probationary regime will be sanctioned with driving license withdrawal as well as the payment of a fine set by the court. Other drivers will be sanctioned with a payment of a fine with an amount set by the court, subtraction of 6 points in the driving license and ancillary penalty which may be temporarily driving disqualification and/or imprisonment, defined by the court, which may still suspend its execution, under the conditions that the court decides.</p>	<p>Criminal procedure: The recommended "fine tariff" of the Swiss Conference of Public Prosecutors can be found here. For this type of offence, the recommended fine should be at least 30 daily penalty units. No influence of the previous offences. Administrative procedure: It is considered as moderately severe; the driving license will be revoked for at least one month. No influence of the previous offences.</p>	<p>2 years ago, £100 plus 3pts for speeding 1 year ago, £100 plus 3pts for speeding Today report to court for serious drink driving offence, court would take into consideration past speeding offences when deliberating the level of sanction, likely to be 18 month Driving disqualification plus financial penalty.</p>	<p>2 years ago: driving 65 km/h in an area with a speed limit of 50 km/h 250 EUR, 3 penalty points 1 year ago: driving 65 km/h in an area with a speed limit of 50 km/h 250 EUR, 3 penalty points today: drink driving with a BAC of 1.20 g/l (about 0.52 mg/l alcohol in exhaled air) 1200 EUR, 18 penalty points - the driver will lose driving license (court decision)</p>

In most investigated countries, except the UK, the history of two minor speed offences in the last two year don't have an influence on the sanction today for drink-driving with a BAC of 1.20 g/l. Also in Belgium, this would be the case. In Finland and Norway, driving with a BAC of 1.20 g/l leads to an income-based fine and a license revocation. In Portugal, this offence will be immediately reported to court, 6 points will be added on the driving license and the driver will be disqualified. In Slovenia, the case will also be directly reported to court and the license will be revoked (+ obligation for follow a rehabilitation program). Also in Switzerland, the case will be reported to court and the driver will get a driving ban. In the UK, the previous speed offence will have an impact on the sanction for drink-driving with a BAC

of 1.2 g/l. The case will go immediately to court and there will be a driver disqualification of 18 months. The sanction severity in the UK is higher for drink-driving with a BAC of 1.2 g/l with a history of two minor speed offences compared to the sanction severity in Belgium.

9. Minor offence with a history of severe offences

2 years ago: drink-driving with a BAC of 1.20 g/l (about 0.52 mg/l alcohol in exhaled air)

Today: driving 65 km/h in an area with a speed limit of 50 km/h

Finland	Norway	Portugal	Switzerland	UK	Slovenia
Aggravated DUI 2 years ago do not affect to sanction of speeding today => traffic penalty fee 170 €	The dui 2 years ago were sanctioned as in case 8. And the speeding today results in a fixed fine of NOK 4050 (approx. 405 euro) and two penalty points.	1st Drivers on a probationary regime will be sanctioned with driving license withdrawal as well as the payment of a fine set by the court. Other drivers will be sanctioned with a payment of a fine with an amount set by the court, subtraction of 6 points in the driving license and ancillary penalty which may be temporarily driving disqualification and/or imprisonment, defined by the court, which may still suspend its execution, under the conditions that the court decides.	Fixed fine of 250 CHF for driving 65 km/h in an area with a speed limit of 50 km/h, no influence of the previous offences.	2 years ago, report to court for serious drink driving offence, court would take into consideration past speeding offences when deliberating the level of sanction, likely to be 18 month Driving disqualification plus financial penalty. Today £100 plus 3pts for speeding.	2 years ago: drink driving with a BAC of 1.20 g/l (about 0.52 mg/l alcohol in exhaled air) 1200 EUR, 18 penalty points - the driver will lose driving license (court decision), but he can apply for the licence on probation (with control medical exam, rehabilitation program and probation period form 6 do 24 months) today: driving 65 km/h in an area with a speed limit of 50 km/h 250 EUR, 3 penalty points Possibility to drive without driving license because of previously offence or driving on parole. If driver is on parole, he will lose driving license. If driving without driving license because of previously offence 1000 EUR.

In all the countries, except Slovenia, the previous severe offence of drink-driving with a BAC of 1.20 g/l doesn't have an influence on the sanction of a minor speeding offence two years later. In Belgium this would be the same for this scenario, so the sanction severity is similar for a minor speeding offence with a history of a severe drink-driving offence. The exception is Slovenia where the first offence committed 2 years ago might influence the offence committed today as the driver might still be on parole for his driving license. If it is the case, the driver will have an additional fine for driving without driving license. In the UK, the drink-driving offence will be reported to court and the speeding offence will be registered with penalty points on the driving license.

10. Very light speed offences

2 years ago: driving 55 km/h in an area with a speed limit of 50 km/h

1 year ago: driving 55 km/h in an area with a speed limit of 50 km/h

Today: driving 55 km/h in an area with a speed limit of 50 km/h

Finland	Norway	Portugal	Switzerland	UK	Slovenia
No sanctions at all. Lowest sanctioned speeding is usually 8 km/h.	Each offence is sanctioned by a fixed fine of NOK 850 (approx. 85 euro) and no penalty points. The previous offences have no effect on the sanctions for the latest offence.	1st "Minor Offence" the offender will pay a fine between € 60 and € 300. 2nd "Minor Offence" the offender will pay a fine between € 60 and € 300. 3rd "Minor Offence" the offender will pay a fine between € 60 and € 300.	Fixed fine of 40 CHF for driving 55 km/h in an area with a speed limit of 50 km/h, no influence of the previous offences.	2 years ago, £100 plus 3pts 1 year ago, £100 plus 3pts Today £100 plus 3pts The driver now was 9 pts within 3 years. Another event carrying 3 points would face a potential driving disqualification.	2 years ago: driving 55 km/h in an area with a speed limit of 50 km/h 80 EUR 1 years ago: driving 55 km/h in an area with a speed limit of 50 km/h 80 EUR today: driving 55 km/h in an area with a speed limit of 50 km/h 80 EUR

In most countries, a very light speed offence will only be sanctioned with a fine. This is the case in Norway, Portugal, Slovenia and Switzerland. In Finland, those offences will not be sanctioned with a fine. So, in these countries, multiple light speed offences will not be registered as repeat offences. The sanction severity in Belgium is comparable with Finland, Norway, Portugal and Switzerland. Only in the UK, multiple very light speed offences are registered as repeat offences and points will be added to the driver license. Thus, the sanction severity in UK is high compared to Belgium.

3.2 Discussion

Based on the comparisons of the procedures for the case scenarios, we conclude that the sanction severity regarding relative 'minor' offences is low in Belgium. This is particularly the case for drink-driving offences. Driving three times in 2 years with a BAC of 0.7 g/l isn't registered in Belgium as a repeat offence. Whereas, in all the other investigated countries, these offences are seen as a repeat offence. In Switzerland, a first drink-driving offence with a BAC of 0.7 g/l is even immediately reported to court. The procedure is equivalent in the UK, where all BAC levels above the legal threshold of 0.8 g/l are also always referred to court.

For minor speeding offences, the sanction severity in some countries, such as Portugal, Slovenia, and Switzerland, is comparable to that in Belgium. Other countries considered, in particular the UK are very strict in sanctioning minor speeding offences. In the UK, driving just 1 km/h above the speed limit leads to the collection of points on the driver license. Two times driving 1 km/h above the speed limit, is seen as a repeat offence.

In all the countries with a demerit point system, distraction offences, such as the use of a mobile phone behind the wheel, are part of the system and counted as repeat offences. Thus, the sanction severity for distraction behind the wheel is low in Belgium compared to many other countries. For driving without a seatbelt, the sanction severity in Belgium is similar to that in most other countries. This offense is often not included in a demerit point system, except in the UK.

4 Historical fatalities comparison

In the field of road safety, the performance of countries is most often assessed based on the road fatality variable. The "30-day fatalities" indicator, i.e., the number of road victims who died of their injuries at the site or within 30 days, is particularly used in road safety analyses as it is the only one that is collected systematically and defined in a uniform way across the European Union (EU) Member States (Dupont & Van Cutsem, 2015; Schoeters, Daniels, & Wahl, 2018).

By considering a broad time perspective, a comparison of road fatalities allows to evaluate whether trends are emerging or not, especially after the introduction of the demerit point system, between the different compared countries. The following Figure 4 shows the "30-day road fatalities" for the 9 countries analysed in this report and the date of the DPS implementation is indicated with a line in the figure. Globally, a decrease in the road mortality trend is observed years before and after the DPS implementation.

In 1972, United-Kingdom had one of the lowest road mortality rates and was the first European country to introduce the demerit point system. The decline in road mortality began since 1972 and has been reinforced in the 1990s. In 1992, France is the third European country to introduce the DPS which, unfortunately, corresponds also to an increase in the road mortality until the mid-nineties, followed by a sharp fall in road mortality. Slovenia presents amongst the highest rates in road mortality until the beginning of the 1990s. The clear decrease is observed since 1980 and confirmed in the following decades, with occasional peaks. In 1998, the DPS introduction is followed with a mortality increase which lasts about 2 years, and then followed with a new decrease.

Concerning Norway, presenting amongst the lowest mortality rates since the early 1970s, the DPS introduction is followed by a more pronounced decline in mortality, decline confirmed in the following years. In Spain, the decreased mortality rates began in the late 1980s and is confirmed after the DPS implementation in 2006. Portugal is the last country to have introduced the DPS in 2016. In this case, the DPS implementation is followed by an increase of the road mortality which makes it the country with the highest mortality rate in the comparative figure.

The represented countries without DPS (Belgium, Finland, and Switzerland) have also experienced a similar upward and downward trend in road deaths (and even more generally, neighbouring countries such as Spain and Portugal experienced the same trend). Regarding Switzerland, the decrease in the road mortality began in the early 1970s, as it does for Finland, and the introduction of the "cascade system" does not seem to have a particular effect on the mortality which kept the same declining trend in the following year. Finally, over the last 20 years (1998 – 2018), the road mortality indicators of the countries with or without DPS does not give any specific trend and does not allow to give any specific conclusion as they all perform in the same direction, the country with DPS not necessarily presenting better performances than those without.

Based on the road mortality evolution, it appears that no clear conclusions can be drawn up. Several additional factors (such as enforcement strategies, awareness campaigns, etc.) need to be considered in order to interpret the evolution of the performance of countries with and without point-based licensing. The mortality indicator alone does not allow us to determine whether countries with or without demerit points are better performing. For example, Norway, which only introduced the DPS in 2004, already had a very good performance long before. As was Switzerland, which did not introduce a DPS.

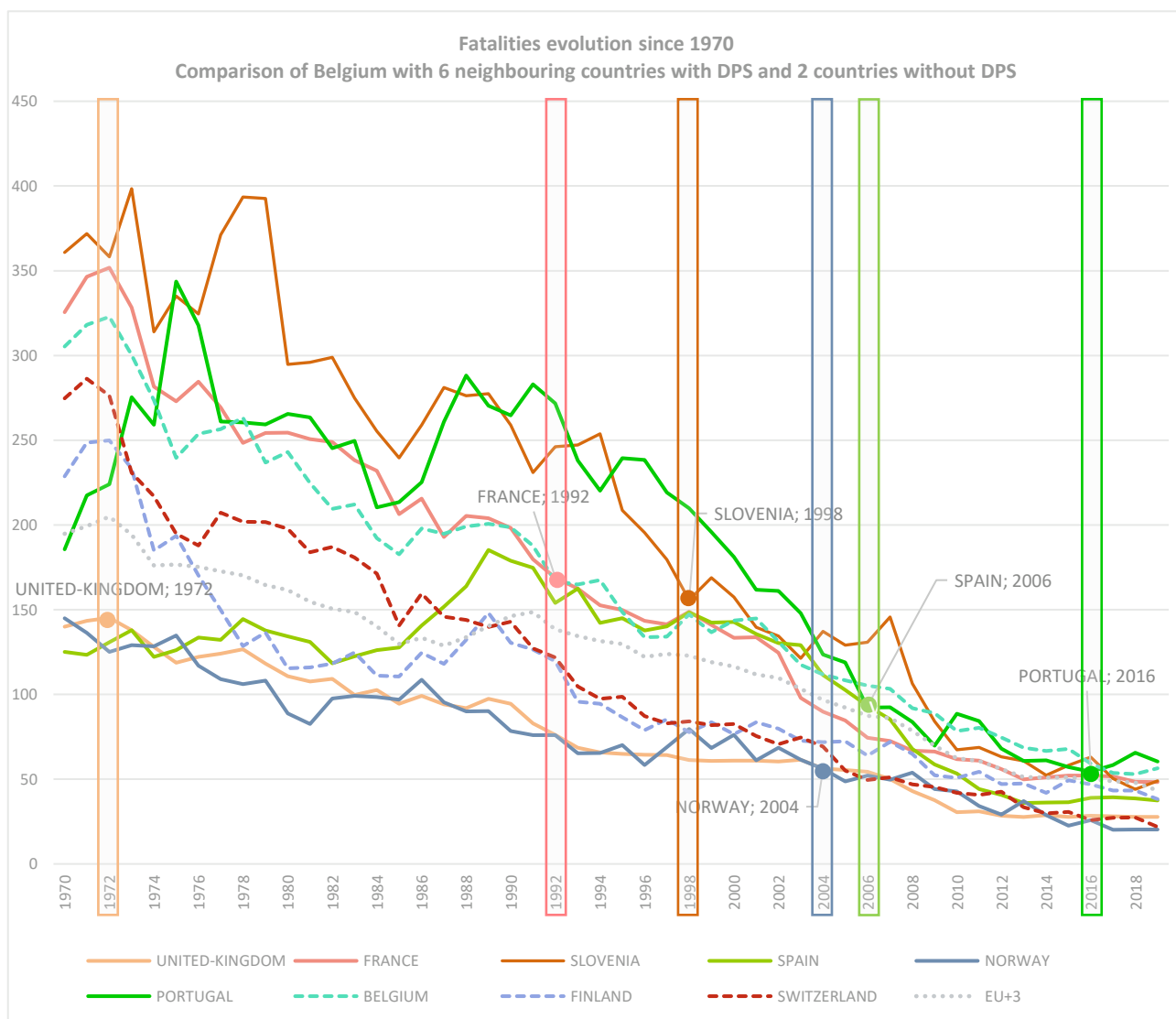


Figure 4. Road fatalities evolution since 1970. Comparison of Belgium with 6 neighbouring countries with DPS and 2 countries without DPS. Sources: CARE, IRTAD et EUROSTAT, 2021.

5 Discussion

5.1 Comparison of the Belgian system to sanction repeat minor offences with the benchmarking countries

5.1.1 Finland

Finland does not have a point system that adds or subtracts different numbers of points for infractions with different degrees of severity. Finland uses an alternative system in which the number of offences included in a list of dangerous offences is counted and tracked for a period of two years. Minor offences including speeding up to an excess speed of 9 km/h in built-up areas and not wearing a seat belt are not followed up at all and never lead to consequences for licensing. Drink driving offences and traffic crimes are not included in the "count system" either, which mainly includes speeding offences, cell phone use and red-light infractions. Any driver accumulating more than three offences in one year or four offences in two years will automatically be imposed a driving ban. Driving ban duration is variable (ranging normally from 1 to 6 months) and dependent on the severity of the infractions involved. In parallel fines and possibly day fines depending on the offender's income are imposed for each individual infraction. The entire system is administered and managed by the police. Appeal procedures are processed by an administrative court.

Apart from driver improvement courses for novice drivers, no educational measures are provided in the system, nor as a condition of license reinstatement, nor as a way to recover points. Both offence counts and license recovery solely depend on respecting the respective time periods for each. The only exception is that drivers facing a driving ban for drink driving (either first or repeat offenders) can apply for a license with alcohol interlock restrictions.

Compared to Belgium, a striking difference is the sanction severity for drink driving, including mandatory license suspensions of 2 to 3 months for offences discarded with an administrative fine and not registered for further follow-up in Belgium (e.g., drink driving with a BAC of 0.7 g/l). Speeding offences above 10 km/h excess speed and below 30 km/h are sanctioned more adequately since these repeat offences are included in the count system and will lead to a licensing ban if repeated more than three times in a one-year period. The same goes for repeat cell phone use behind the wheel or any combination of these different types of offences. Although a well-known risk in traffic and one of the main killers, failure to wear seatbelts or restraining children can be repeated "as much as one's wallet allows", as are most minor offences (like not using direction indicators for instance). In this sense, the Finnish system does not adequately cover the totality of risky driving behaviours as a more elaborate point system would. On the other hand, the Finnish system is straightforward, simple, and consequential for the offences included in the system.

5.1.2 Norway

In 2004, Norway has implemented a demerit point system functioning on the principle of accumulating two or three penalty points for 12 moderately severe offences (these penalty points are doubled for the novice drivers). When the threshold of eight points has been reached by offenders, their driving license will immediately be revoked for six months. There is a distinction between different categories of offences, namely light offences, moderately severe offences, serious offences, and road traffic crimes. Only moderately severe offences are included in the list of penalty points. Minor offences are dealt with a fixed fee and not registered. Severe offences and crimes are dealt with the criminal proceeding and are registered in the criminal record. Penalty points are registered for three years. After the three years or after the 6-month driving revocation in case the limit of the 8 points has been reached, the points are reset to zero.

Light and moderately severe offences and the sanctioning process is completely administrated and managed by the police. The amount for the fixed fees (light offences) and the simplified fines (moderately offences) is defined by the law and the fines are given on spot (or sent to the car owner in case of a violation observed by camera). The offender has the right to appeal against this fine/fee and the case will be then proceed within the criminal proceeding. The offender has not the right to appeal against the penalty points.

High speeding violations and driving under influence are dealt with the criminal proceeding. In the case of impaired driving due to alcohol (starting to 0.2 g/l), the sentence is compulsorily a fine based on the gross salary of the offender and a possible (un)conditional prison sentence and no penalty point is foreseen. In

Norway, there is no educational measure implemented in the framework of DPS but educational programs exist for novice drivers caught for impaired driving. Unfortunately, they are on voluntary basis and does not encounter a lot of success.

After a 6-month driving license revocation, the license is automatically regained. If the license ban is for more than 6 months, but less than 12 months, the driver will have to pass new practical test. If the license revocation is more than 12 months, the driver will have to pass new practical and theoretical tests to regain the driving license. No specific educational measures are foreseen to regain the driving license.

In comparison to Belgium, the sanction severity for drink driving and speeding violation is a striking difference. First, with a BAC 0.2, the legal limit for DUI is stricter than in Belgium and in the event of impaired driving, the fine will be based on the gross month salary (or 1.5 the gross salary if the BAC is above 0.8 g/l). Regarding the speeding violation, in addition to the higher amounts to be paid (which can be explained by the higher standard of living in Norway than in Belgium), repeat speeding offenders are sanctioned more adequately since these repeat offences are included in the penalty point system and will lead to a licensing ban if repeated more the three or four times in a three-year period. It goes in the same direction for the use of CRS (2-points) and the use of a mobile phone (3 points) behind the wheel. These violations are considered as moderately severe offences and are charged with a fixed fine. If repeated four or three times in a three-year period, the repeat offenders face a license withdrawn for 6 months. Regarding failure to wear seatbelts (as driver or as passenger), the Norwegian system does not adequately cover the totality of risky driving behaviors. Failure to wear a seatbelt is considered as a minor offence (although it is one of the four killers on the road) and this violation can be repeated as many times as you can pay the fixed fee (1,500 NOK = 143).

5.1.3Portugal

In Portugal, a total of 12 points will be given to each driver on its driving license. There is a distinction between different categories of offences, namely light offences, serious offences, very serious offences and road traffic crimes. For each (very) serious offence or road traffic crime, points will be subtracted to your license. If you do not commit any (very) serious offences or road traffic crimes, points can be added to your license. Light offences, including speeding up to an excessive speed of 19 km/h in built-up areas and not wearing a seat belt, are not included in Portugal's Demerit Point System. Thus, in the DPS only serious and very serious offences and traffic crimes are considered. Also, for the determination of recidivism, only major infractions and road traffic crimes are taken into account. A period of five years is applied to consider a driver as a repeat offender.

The demerit points system functions mainly within an administrative framework. Although, administrative decisions can be appealed in court. The criminal procedure is only promoted when a driver constitutes a road crime (e.g., driving under influence of alcohol BAC level $\geq 1,2\text{g/l}$ or drugs, driving without driving license) or in case of non-compliance with the administrative decision.

Every three years without a record of serious, very serious offences or traffic crimes, three points are awarded to the driver, and the maximum limit of fifteen points may not be exceeded. Also, one additional point can be added, up to the maximum limit of sixteen points, whenever the driver voluntarily attends a training session.

Educational courses are mandatory when a driver has 5 or 4 points on their driver license. A non-justified absence leads automatically to a driving ban of two years. The course is based on knowledge transfer and not on changing the behaviour of offenders. The evaluation of the course is based on active participation. When a driver has 3 or less points on their driver license, he will be required to take the theoretical test of the driving test. Unjustified absence leads again to a driving ban of two years.

Since 2016, the DPS is introduced in Portugal. Their previous system and definition of recidivism (i.e., new serious infraction sanctioned with a fine and additional driving ban after having been convicted for another infraction of the same type) is similar to the Belgium law on recidivism introduced in 2015. The DPS system introduced in 2016 is similar to the previous system in Portugal, except that the consequences for road traffic crimes related to driving under the influence of alcohol became part of the DPS system and start counting for driving license withdrawal. The consequences are also the same for every driver. So, it can be perceived as a system that is fairer. Next, it is more concrete for drivers because offenders feel the pressure of the subtraction of points on their driving license. As in Belgium, minor offences (e.g., speeding up to 19 km/h in built-up areas and 29 km/h outside built-up areas) aren't included in the definition of recidivism and also not in the DPS. They are only treated administrative, more particular, drivers get sanctioned with a financial penalty (i.e., a fine).

5.1.4 Switzerland

In 2005 Switzerland has implemented the so-called "cascade system" which implies progressively stricter minimum administrative measures for each repeated offence based on the frequency, the number, and the gravity of the current and previous offences. The cascade system, and thus, the sanctioning of repeat offenders, will only intervene in the case of violations handled in the criminal and in the administrative proceedings. In other words, all offences from light to severe are included in this system. In the event of reiteration and depending on the gravity and the frequency of the reiteration, the offender will be banned from driving from 1 month to 2 years (in case of reiteration of severe infractions within a 5-years to 10-years period, the license revocation is permanent). In addition, the offender will have to pay a fine. In case of severe offence, a pecuniary fine/Day-fine or a prison sentence is foreseen. The administrative measures are recorded in the Traffic Administration Information Service (SIAC), ten years for the measures related to license revocation and cancellation of probationary driving license and five years for the measures related to warnings and others.

When banned, the driver can drive again as soon as the ban is over. A specific educational measure exists to allow the drivers to regain their driving license faster (a maximum 3-month reduction). However, in case of "safety driving revocation" (for an undetermined period), mainly taken in case of impaired driving, medical tests are mandatory to regain the driving license.

Switzerland does not have an interlock program, but educational measures are foreseen and organised by the Cantons. These courses can be charged or are followed on voluntary basis. The costs of the course are borne by the participants and must be paid in addition to the fines and court fees. The courses cannot be followed twice and there is a specific program for repeat offenders.

In comparison to Belgium, the cascade system is - to some extent - comparable to the progressive sanction addressed to repeat offenders and more precisely, with regards to the extended license withdrawal revocation increasing with repeated infractions. However, the Swiss Cascade system is more severe as it includes light to very serious offences, while in Belgium, only serious offences are concerned. Concerning the follow up of very light (or minor) offences, the Swiss system is similar to Belgium, again to some extent as several minor offences correspond to several infractions from the first and the second degree in Belgium e.g., not wearing your seatbelt, failure to respect stop sign, ...). These offences are not recorded and there are no stricter measures in case of reiteration. But the system differs and is stricter concerning the light to severe offences where track is kept in the administrative proceedings. For light offences, the reiteration will weigh in the administrative sanction for 2 years maximum whereas in Belgium, there is no track of these light offences (e.g., speeding violations 16km/h above the 30 km/h limit enters in the cascade system). In Belgium, it enters in the "perception immediate" proceedings and the offender might repeat it as much as he/she can pay the fine. Moreover, the repeat offender will face a license withdrawal more rapidly in case of reiteration. Repeated drinking and driving offences are also more severely sanctioned with automatic license ban in case of reiteration, starting with a 0.5 g/l BAC combined with any other administrative sanction in the previous two years (in other words, combined with any other light to severe infraction in the previous two years). Reiteration of speeding offences are also more severe as the offender will face a license ban in case of repeated offences (minimum 4 months for moderately severe speeding offences). Failure to wear a seatbelt or to use proper CRS are considered as minor offences (and are dealt with the administrative fines by the police). Regarding the use of the phone behind the wheel, a distinction is made between phoning while holding your mobile phone and all other uses of the mobile phone, which are then more severely sanctioned as they are considered bigger disturbance and are dealt with in criminal and administrative proceeding. The cascade system is applicable in case of reiteration.

5.1.5 UK

The UK has a penalty points system of maximum 12 points. Each infraction has a specific endorsement code that is registered on the individual's unique drivers record which is held on a central database named The Driver Validation Service (DVS). This database can rather easily be consulted and fed into. Each endorsement has allocated demerit points, as well as monetary fines, some fixed, some variable. Demerit points stay on the drivers record for 3 years; the endorsements stay longer on the driver's record. When the 12-point limit is reached, the driver faces a 6-month driving ban, imposed by Magistrates court decision. This driving ban can be extended based on previous endorsement history. For the relatively light endorsements the allocated penalty points and fines are fixed. This procedure is a civil penalty matter. They are allocated automatically unless the driver decides to contest at court. The serious endorsements are sent to the Courts and Tribunal

Service by the prosecuting authority. The defendant would then be summoned to appear at Court (Magistrates Court in the first instance and if very serious referred to Crown Court). If found guilty they can impose prison sentences, immediate bans, and financial penalties. In court the financial penalties can be determined by income. The nature, combination, and seriousness of the offences can be taken into account (aggravation), but the defendant can also plea 'hardship' at Court, meaning that the court also could decide not to ban the driver.

The UK does not have an alcohol interlock program but does offer driver improvement courses. These courses are optional. They can be offered to the defendant. This offer depends on whether the prosecuting authority determines the course can be helpful in your case and if you meet some other administrative criteria, like being the first offence of this type within a 3-year period. Hence these courses are not for repeat offenders, nor can the purpose be to reduce the number of penalty points. These courses are also registered in the individual's unique drivers record. The point system in itself is unforgiving: acquired points cannot be nullified.

When banned, the driver can drive again as soon as the ban is over. However, a driver banned for 56 days or more needs to apply for a new license before driving again. The Court can also decide you need to do your driving test again. For 'high risk offender' (for example repeated drink driving), medical tests with one of DVLA's appointed doctors are customary. There are no psychological tests involved.

Compared to Belgium the UK system seems rather severe. Even what we in Belgium would call a 'minor speed' offence and would in Belgium not be registered, is in the UK registered on the individual's unique drivers record and is subject to a 3-point allocation. Four similar infractions in a 3-year period would result in a 6-month driving ban, which can be seen as an adequate treatment of repeat offending. Similarly, in the UK all infractions for DUI are registered in the central database and result at least in point allocation and monetary fines. By registering and by consistent point allocation, a follow up of repeat offending is guaranteed. All DUI infractions are sent to Court, where repeat offending can be punished more severely. Monetary fines can be income based.

5.1.6 Slovenia

In Slovenia, a maximum of 18-points can be given to an offender on his/her driving license. Distinction is made between the minor offences (sanctioned with a fine), the moderately severe offences and the serious offences (sanctioned with fines and penalty points, from 1-point to 18-points). Offences sanctioned with more than 3-points are dealt in the Misdemeanor proceedings. In case of serious offences (18-points or crimes), the offender is directly reported to court and the license is administratively revoked for three weeks. Then the offender will be charged with a conditional license revocation. Conditions to keep the driving license depend on following a rehabilitation program (for DUI) or driving training (for speeding). When the 18-points threshold is reached, the offender will be revoked (administratively) from driving for a minimum of 6 months. To regain the driving license, the theoretical and the practical test need to be passed again. Novice and professional drivers are submitted to specific rules regarding the drink-driving: when the 7-penalty points threshold in the period of three years is reached, the driving license becomes invalid.

The penalty points are registered in one database managed by the Ministry of Justice, while the driving licenses are registered in another database managed by the Ministry of infrastructure.

When banned from driving on court decision, the offender might keep his driving license if he follows the rehabilitation program or the driving training. During this period and the probationary period (from 6 to 24 months) the offender cannot commit an infraction charged with more than 3-points (or the license will be effectively revoked for a duration decided by the court).

Compared to Belgium, minor speeding offences (less than 10 km/h) are even less sanctioned in Slovenia and are not included in the DPS. Other speeding offences are included in the DPS and "serious" speeding offences are charged with 18-points. Which means that, unlike Belgium, they will automatically be sanctioned by a court with a license withdrawal (and educational measures as conditions). The DUI infractions are differently sanctioned since with a BAC of 1.1 g/l, the offender will automatically be charged with 18-points and then reported to the court. Unlike Belgium, the DUI offender will have to follow a medical exam before being redirected to a rehabilitation program or the medical system (in case of addiction). Regarding the use of the phone behind the wheel, this infraction is more severely sanctioned with a fine and penalty points. Failure in using the seat belt or a CRS is similarly sanctioned in Belgium and Slovenia.

5.2 Comparison of sanctioning repeat minor offences for the four main killers in traffic

5.2.1 Speeding

In UK all speeding infractions are registered in a central database and all result in at least 3-point allocation and monetary fines. Four 'minor' speeding offences in a 3-year period would automatically result in a 6-month driving ban. The endorsement code stays on the driving record for 4 years. The minimum monetary penalty for speeding is a £100 fine.

In Finland only excess speed above 10 km/h (in built up areas with a maximum speed limit of 60 km/h) or above 15 km/h is considered in the count-system for repeat offences. Speeding more than these limits will lead to a driving ban when repeated more than 3 times in one year or 4 times in 2 years. Combinations of speeding and other infractions (mainly cell phone use or red-light infractions) also lead to license suspension. Excess speeding above 20 km/h too fast is sanctioned by income-depending fines (going up to about half the net monthly income for excess speeding above 45 km/h - any excess speed above 47 km/h too fast is evaluated as a criminal offence in court).

In Norway, speed offences are charged from 5 km/h above the speed limit regardless the speed regime. Speeding by 11-15 km/h in a 60 km/h or lower area speeding 16-20 km/h in a 70 km/h or higher are charged with 2 penalty points and fixed fines. Speeding violations by 16 km/h to 25 km/h where the speed limit is 60 km/h or lower and by 21 km/h to 36 km/h, where the speed limit is 70 km/h or higher, is charged with 3 penalty points and a fixed fine (up to NOK 8.500 for 21-25 km/h speeding). Above these speed limits, the offender is charged with 3 penalty points and a fine based on the monthly gross salary (prison sentence is also commonly given for the reckless drivers) and license is suspended

In Switzerland only excess speed above 15 km/h in built up area's and in zone 30km/h, above 20 km/h outside built up area's and above 25 km/h on high speedway are considered in the count-system for repeat offences (namely cascade system) and are by so carried within the criminal and the administrative proceedings. Under these speed limits, the offences are charges with fixed fees. Excess speeding above 25 km/h in built up areas, 30 km/h outside built up areas and 35 km/h on high speedway are considered as severe, after the first offence a minimum 3-month license suspension is foreseen (in the administrative proceedings) and a day-fine (in the criminal proceedings). The higher speeding offender are categorized as reckless driver ("chauffard") and charged with 2 years of license suspension and a prison sentence or a day fine.

In Portugal, an excessive speed of 20 km/h in urban areas and 30 km/h outside urban areas is considered within the Demerit Point System. Two or five points are subtracted depending on the size of the offence. A speed infraction of 15 km/h above the speed limit is considered as a 'minor' speed offence and the driver only needs to pay a fine.

In Slovenia, excessive speed offence such as speeding above 20 km/h in a pedestrian zone or in a calm zone traffic, above 30 km/h in built up areas or above 50 km/h on motorways, is considered as a very serious offence and will be sanctioned with a fine and 18-penalty points and by therefore, an automatic license revocation. Speeding less than 10 km/h above the speed limit (considered as a light offence) will only be sanctioned with a fine (and no penalty point).

In France excess speeding between 1 km/h and 19 km/h excess speed is punished with 1 demerit point on a total of 12. Excess speeding from 20 tot 30 km/h excess speed is sanctioned with 2 points losses. From 30 to 40 km/h excess speed, 3 points are subtracted, from 40 to 50 km/h 4 points are lost, above 50 km/h excess speed 6 points are lost.

In Spain only excess speeds above 19 km/h too fast are sanctioned with demerit point loss. Below that threshold, infractions are only sanctioned with a monetary fine and not registered. Point loss depends on the maximal allowed speed at the location of the infraction. In zone 50, speeds between 71 and 80 km/h are sanctioned with 2 points, from 81 till 90 4 points are lost, as of 90 km/h 6 points are lost.

Compared to Belgium, most benchmark countries seem to sanction excess speeding more severely and include repeat offences at a lower infraction level than in Belgium. Although specific cases might always be referred to court in Belgium, even at excess speeds below 30 km/h too fast, in general only speeding offences above 30 km/h excess speed in built up areas are included in the crossed recidivism regulations.

Since speed is probably the most important risk factor in traffic, a way should be found to supervise and sanction drivers accumulating speeding offences more quickly in order to install procedures more similar to the other benchmarking countries. There is a lot of international variation in the type of speeding infractions that are included in the different systems for identifying and sanctioning repeat offenders. For instance, although the DPS systems in Spain and France are quite similar, in France excess speeds of even 1 km/h too fast are sanctioned with 1 point while in Spain only excess speeds above 20 km/h excess speed are included in the system. When appropriately weighed according to offences severity (like in France where light speeding is only sanctioned with 1 point on a total of 12), it could be feasible to include all speeding offences in the system for dealing with repeat offences.

5.2.2 Driving under the influence

In UK all DUI offences are registered in a central database and will result in at least 3-point allocation and monetary fines. All cases are treated by the Court. The actual penalty you get is up to the magistrates who hear your case and depends on your offence. The monetary fine can add up to £2,500 but could also result in 3 months' imprisonment. Four 'minor' DUI offences in a 3-year period would automatically result in a 6-month driving ban. The endorsement code stays on the driving record for 11 years.

In Finland drink driving will always automatically lead to a driving ban and is (therefore) sanctioned according to specific regulations. First offences as light as 0.51 g/l led to a driving ban of minimum 1 month. In case of repeat offences (also as of 0.51 g/l) within a period of 5 years, a minimum driving ban of 6 month is imposed. Offenders may apply for an alcohol interlock restricted license to shorten or replace the period of license suspension.

In Norway, all DUI offences are dealt in the criminal proceedings and charged with fines based on the monthly gross salary. There are no penalty points. Three levels of violations exist starting with a strict 0.2 g/l BAC, then 0.5 g/l and finally 1.2 g/l.

In Switzerland the BAC limit is of 0.5 g/l and DUI offences are considered as minor until the 0.8 g/l threshold is reached. Repeated minor drink-driving offence is sanctioned license suspension and fines. More severe drink-driving offence are charged with license suspension (a BAC above 1.2 g/l will result in a "safety" license suspension) and pecuniary fines (based on the revenue of the offender) or a prison sentence.

In Portugal, the legal alcohol limit is set at 0.5 g/l. Driving with a BAC between 0.5 and 0.8 g/l, immediately leads to a loss of 3 points on a total of 12 points, a fine and a driving ban of minimum one month and maximum one year. Driving with a BAC between 0.8 and 1.2 g/l is seen as a very serious traffic offence and leads to a point reduction of 5 points. Driving with a BAC above 1.2 g/l is seen as a crime and immediately reported to court. The driver needs to pay a fine, receives a driving ban and a point loss of 6 points.

In Slovenia, the legal limit is set at 0.5 g/l. Being caught with BAC between 0.5 g/l and 0.8 g/l will be sanctioned with a fine and 8 penalty points. In the event of higher intoxication, the DUI offence is sanctioned with a fine, 18 penalty points, minimum three weeks of (administrative). Then as it is serious (dangerous) offence, the offender is referred to court and he/she will be charged with a license withdrawal or the obligation to follow a rehabilitation program (and a probationary period).

In France, drink driving above 0.5 g/l is always sanctioned with the loss of 6 points on a total of 12 points. Point loss is independent of the level of intoxication and is set at 6 points for intoxication levels as low as 0.51 g/l.

In Spain, intoxication levels above 0.5 g/l are sanctioned with a loss of minimum 4 points. Depending on the level of intoxication, point loss will be between 4 and 6 points.

The most striking differences in sanctioning repeat drink driving offences between the benchmarking countries and Belgium concerns relatively small drink driving infractions (corresponding to intoxication levels between 0.5 and 0.8 g/l). In Belgium these infractions are in principle only sanctioned with an immediate fine, without further follow up by the legal system. In practice drivers can accumulate as many of these types of infractions as they want in Belgium. In all the other countries, repeat minor drink driving offences will lead to automatic license suspension after two or three occurrences. It could be argued that the current Belgian practice reflects a tolerant social norm with regard to drink driving. In order to alter and improve social disapproval of drink driving it should be considered to include these types of "minor" offences in a system for identifying and sanctioning repeat offenders.

5.2.3 Seatbelt and child restraint systems

In UK all seatbelt offences are registered in a central database and will result in at least 3-point allocation and monetary fines (£500). If you are carrying a child under 14 without the proper restraint you are liable for a fine of £500 and three penalty points. Four seat belt offences in a 3-year period would automatically result in a 6-month driving ban. For passengers 14 years old and over, it is their own responsibility to make sure that they wear a seat belt if there is one available. As a passenger you may get a fine of £500 for not wearing a seat belt and can be awarded two penalty points.

In Finland, not wearing a seat belt or not restraining children is sanctioned with a simple monetary fine and not registered for further follow-up. Drivers can reoffend "as much as their wallet allows".

In Norway, not wearing your seatbelt as a driver will be sanctioned with a predefined fee (NOK 1.500) and will not be registered. But not using a proper CRS for children under 15 years old will end up with 2 penalty points and a fixed fine. Penalty points are registered for the non-use of proper CRS.

In Switzerland non-use of seatbelt for all passengers in a car is considered as a minor offence and charged with a predefined fee ("amende d'ordre"). There is no registration of these offences.

In Portugal, non-use of a seatbelt is also not considered in the Demerit Point System and this offence only leads to the payment of a fine. . Not using a child restraint system approved and adapted to children size and weight is considered a serious offense and the driver needs to pay a fine, receives a driving ban and a point loss of two points.

In Slovenia, failure in seat belt or CRS use is considered as a minor offence and sanctioned with a fine.

In France not wearing a seatbelt is sanctioned with a 3-point loss.

In Spain, not wearing a seatbelt is also sanctioned with a 3-point loss.

In Belgium, not wearing a seatbelt almost never has any consequences apart from monetary fines. This is also the case in half of the benchmarking countries (i.e., in Finland, Switzerland, Portugal and Norway). In the UK, France and Spain, not wearing a seatbelt is sanctioned with the loss of demerit points and will ultimately lead to license withdrawal and associated measures if repeated manifold over time. Or when combined with a track record of other infractions included in the DPS system.

The reasons for either or not including not wearing a seatbelt in the system remain unclear. Since not wearing seatbelts remain an important risk factor in traffic (and in practice is correlated with the frequency of other infractions) should be considered to include seatbelt wearing in a system for identifying and sanctioning repeat offences, even for so called minor offences.

5.2.4 Distraction behind the wheel

In UK when charged with careless or inconsiderate driving or using mobile phone or a sat nav while driving, the minimum fine is £200 and a 3-point allocation. These endorsements stay on the record for 4 years. Also, when these instruments block the view of the road and traffic ahead you can get endorsed. Four distracted driving endorsements in a 3-year period would automatically result in a 6-month driving ban.

In Finland distraction behind the wheel is relatively severely sanctioned. It is included in the count-system for repeat offences and may lead to a license suspension when repeated more than three times in one year (or as one of the infractions included in the count system). For each offence a traffic penalty fee of 100 € is applied.

In Norway using a mobile phone while driving is charged with 3 penalty points and a NOK 5.000 fixed fine.

In Switzerland, a distinction is made between doing a phone call without a hands-free device while driving and using the phone in any other way (including typing, dialing, navigation etc.). First is charged with a fixed fine. The second initiates the criminal and the administrative proceedings.

In Portugal, hand-held phone use behind the wheel is part of the Demerit Point System and sanctioned with a point loss of 3 points. The driver also needs to pay a monetary fine.

In Slovenia, since August 2021, using the phone behind the wheel have been included in the DPS, charged with 3-points and a 250€ fine.

In France, handheld cell phone use while driving is sanctioned with a 3-point loss.

In Spain, the use of mobile device while driving is sanctioned with a 3-point loss.

Although handheld phone use can be prosecuted in court (where more harsh sanctions and even license withdrawal might be imposed), most of the infractions are only sanctioned with an immediate fine. In this respect current Belgian practice deviates strongly from most of the other benchmarking countries, where handheld phone use is systematically included in the sanctioning system and will ultimately lead to license suspension and associated measures in case of repeat offences (possibly in combination with other types of offences).

5.3 Considerations for sanctioning repeat minor offences in Belgium

5.3.1 Optimizing repeat offender management in Belgium

The key question for the present report is how the management of repeat offences, also for minor or light offences can be improved in Belgium. To analyze this question, we compared current practice in Belgium with 6 other countries (8 when the 2018 benchmarking countries France and Spain are included), some of which are using a formal demerit point system, others alternative systems for identifying and sanctioning repeat offenders. The present analysis does not only concern demerit point systems labelled as such, but also any system for identifying and sanctioning repeat offenders. Throughout the course of the analysis, it became clear that whether or not countries use the term demerit point system to label the system is often a semantical discussion. In a broad sense, any system keeping track of the number of repeat offences and taking the number of antecedent offences into account in the sanctioning process could be considered as a point system in the sense that the count of the number of previous offences is considered in the process. This applies to the crossed recidivism regulation currently applied in Belgium, but also to the "count system" applied in Finland or the cascade system as applied in Switzerland.

Even for relatively minor traffic infractions, like minor speeding offences, drink driving just above the legal limit, failure to wear a seatbelt and other minor offences, drivers accumulating many offences over a relatively short period represent an increased risk in traffic. Since accumulating offences despite the low chance of being caught by the police poses questions on the fitness-to-drive of these repeat offenders they should be identified and confronted with their actions. Imposing a temporary driving ban coupled with driver improvement courses and fitness-to-drive evaluations prior to reinstating their right to drive can be considered a reasonable and adequate response to repeat offending.

Apart from the importance of taking dangerous drivers off the road, not adequately following up on the accumulation of light offences has a negative effect on social norms in traffic. Since the only consequence of these types of infractions in Belgium are mostly only and merely financial, drivers with a "big wallet" or making cost-benefit analyses of the number of kilometers driven in infraction per Euro spent on fines will remain indifferent to the applied sanctions and continue their at-risk behaviour. This, in turn, will increase the prevalence of infractions, setting driving slightly too fast as the social norm that can often be observed in the social traffic environment. This calls for a system to confront these types of repeat offenders with the risk they impose on society and impose adequate rehabilitation measures on these drivers.

In most benchmarking countries, accumulating offences is seen as a signal for doubting drivers' fitness-to-drive. Evaluating unacceptable levels of offences over a certain time can consequently be seen as the responsibility of the administrative licensing authorities. In most systems this is evaluated without the intervention of the court (apart for standard systems for contesting infractions), which is in line with the logic that the system will only affect repeat offenders who - by the frequency of the infractions - proved there are reasons to doubt their fitness to drive.

As discussed in the previous chapters, Belgium is lagging behind on most benchmarking countries in assuring a follow-up for accumulated relatively small infractions. Relatively minor speeding infractions, intoxication levels between 0.5 and 0.8 g/l, handheld cellphone use and not wearing seatbelts are mostly sanctioned only with fines. This allows drivers to accumulate as many of these types of offences over time "as their wallet allows". This contrasts with demerit point systems and other systems applied in the benchmarking countries, where a threshold is set on the number of these types of offences that are accepted over a certain time period. Since it is unacceptable that some drivers are able to continue to accumulate these types of risks in traffic

without ever being held accountable, it is recommended to introduce a system to assure follow up of these types of drivers.

The most frequently applied way to manage this process is a fully automated administrative system that functions in parallel to the existing legal procedures. Automating the evaluation requires an algorithm to take both the number of the offences and the severity of the offences into account. It also requires integrating all possible forms of at-risk behaviour according to accident risk into the system. In practice this comes down to applying a form of demerit point system. Several countries are applying these types of demerits point systems since many years. Other introduced a similar system in recent years. In most countries these systems function in parallel to the already existing legal procedures. In the UK points can also be assigned within the legal system.

The alternative to these types of automated systems is to include the sanctioning of repeat offenders in the legal procedures for sanctioning offenders. For repeat and severe offences this usually implies the evaluation of the offences by a judge. Obviously, the advantage of this process is that it allows to take the circumstances of the offences into account and to account for the reasons the offenders bring forward during the case. Since the sanctioning process will, in this case, depend on the decision of the judge, there is no standard relation between the type of sanctions and measures that are applied and the types of repeat offences. The main characteristics of both approaches can be summarized in table form as follows:

Automated administrative systems	Court based systems
Often implemented as a fitness-to-drive measure in parallel to other legal procedures	Integral part of the legal procedure for sanctioning offences
Threshold for imposing measures determined by a weighted total of values assigned to infractions via an ad hoc algorithm	Evaluation based on qualitative criteria and jurisprudence
Transparent and easy to communicate	Untransparent and more difficult to communicate
Simple and fast decision process due to automation	Relatively complex and slow process
Blind system that does not take the context of the offences into account	System able to take offence context, offender personality and intentions into account

The analysis of international practices shows that the identification and sanctioning of repeat offenders in Belgium could be improved by defining a demerit point system that allows to impose measures to drivers accumulating an unacceptable number of offences. Automated systems allow to identify unacceptable levels of repeat minor offences automatically, can be communicated transparently to the population, offer preventive possibilities through informing drivers consequently on their track record and allow to automate decisions on the type of sanctions and rehabilitation measures that are coupled to certain levels of repeat offences. On the other hand, automated systems do not take the circumstances of the offences and the personal situation of the offender into account in the sanctioning process. Such a qualitative evaluation of repeat minor offences would require extending the systematic follow up of repeat offences also to relatively minor offences in the legal court system. Either way, the systematic registration of all offences in a central database is a precondition

If an automated system to impose specific and adequate measures to drivers accumulating risky behaviour is considered, best practice considerations from the literature on demerit point systems should be taken into account. Whether or not the choice for an automated system should be named a demerit point system is also a symbolic semantic discussion. The main principles for conceiving the system are laid out in the BestPoint recommendations (Klipp et al., 2011). Based on the international practices considered, we could identify a number of points of attention. These are discussed in the next chapter.

5.3.2 Application of best practice recommendations for repeat offenders in Belgium and the benchmarking countries

In order to evaluate possibilities to improve the way repeat offences are followed-up in Belgium, also for relatively light infractions, the BestPoint recommendations provide an interesting framework for identifying possibilities for improving the current practice (Van Schagen & Machata, 2012). Although it is not possible to make a complete evaluation of all aspects covered in these recommendations, based on the current benchmarking analysis, we can identify a number of considerations to be taken into account in order to improve the identification and sanctioning of repeat offenders in Belgium.

5.3.2.1 Prerequisites

Based on the fact that scientific evidence for a lasting effect of introducing a point system beyond the period of one year after introduction (cf. Silverans et al., 2018), research warns not to expect too much from introducing the system as such. In order for the system to be effective, the probability to get caught when committing traffic offences should be sufficiently high. High probabilities to get caught will also imply higher probabilities to be submitted to licensing measures associated to repeat offences. In practice, drivers seem to learn relatively quickly that they do not easily lose points and consequently are less inhibited by the probability to face license withdrawal.

In the first part of the study, we demonstrated that Belgium currently has enforcement levels that can be considered as average. Given the low probability to get caught per kilometer driven while committing infractions, improvement of the overall level of police enforcement is a condition for an effective management of repeat offences.

A particular point of attention is the possible secondary negative side-effect of introducing a DPS on drivers NOT losing points due to accumulating offences. Integrating driver improvement courses and fitness-to-drive evaluations in a DPS system is likely to positively impact the driving behaviour of people approaching the limit for license withdrawal or facing a driving ban. Specific communication and sensibilization might be necessary in order not to introduce a negative side-effect on drivers that do not accumulate (loss of) points. For some of these this will not as much be due to the fact that they do not commit infractions, but more due to the fact that the probability to get caught for an infraction is very small. Not losing points might give these drivers the impression of lawlessness and ultimately lead to an increase in their risky behaviour. Hence, a sufficiently high level of traffic enforcement is not only a prerequisite for a demerit point system to have an effect, but also an essential condition for assuring a safe traffic system.

5.3.2.2 Offences to include

BestPoint recommends including at least all of the following risky behaviours in the system to track repeat offences:

- Speeding (exceeding the legal speed limit)
- Driving under the influence of alcohol and/or drugs
- Violation of rules on seatbelt wearing, helmet wearing (powered two-wheelers), and proper use of child restraints
- Red light running
- Violation of priority rules
- Dangerous overtaking
- Violating rules on minimum headway between vehicles
- Endangering pedestrians at zebra crossings
- Illegal use of mobile phones or other communication devices
- Disobeying rules for road users at railway level crossings
- Wrong way driving (on dual carriageway roads) and use of forbidden lanes
- Hit and run – and other dangerous post-accident misbehaviour

Moreover, the following recommendations are made for defining consequences to repeat risky behaviour:

- It is recommended to link the number of points for an offence to its relevance for causing crashes and/or injuries.
- The typical lifetime of a point should not be less than one year.

- Linking the lifetime of points to the severity and frequency of offences should be considered as another preventive element.
- For simultaneous multiple offences a fixed number of points could be added to the number of points assigned for the most severe offence, but in such a way that the license withdrawal threshold is never reached in one go.

In practice, not all benchmarking countries take offence severity into account. Important differences between countries are mainly noted with regard to relatively minor offences, like driving a few kilometers faster than the speed limit (after technical correction), seatbelt use, etc.

The logic behind a system for managing repeat risky behaviour should be that all types of risky behaviour are included in the system. Relatively light offences corresponding to a relatively light increase in risk should however be weighted less severely in the system.

It is therefore recommended to include minor speed infractions and infractions for offences like not using a seatbelt or phoning while driving in the system. In the current system, Belgian drivers speeding lightly can accumulate as many infractions as their wallet allows. The introduction of a system capable of automatically keeping track of the offence history for these types of offences could make it possible to select and correct these types of dangerous driving.

A particular point of attention appearing from the international comparisons is that Belgium is the only country allowing drivers to repeatedly commit minor drink driving offences without ever being confronted with their driving behaviour. Including these offences in a demerit point system or another system for systematically following up drivers' offence history could correct this international anomaly.

5.3.2.3 Rehabilitation measures

The overall approach to re-educating repeat offenders recommended by BestPoint is:

- For intermediate and rehabilitation actions, a four-step approach is recommended: Information letters each time a driver loses or gains points, and a warning letter when approaching the threshold for a driver improvement course.
- A mandatory driver improvement course, at least one severe offence away from the initial value and more than one severe offence away from license withdrawal value, focusing on attitudes and behaviour rather than on knowledge and skills.
- License withdrawal for a period of between 3 and 12 months.
- Mandatory participation in a rehabilitation course for reinstatement of the license. The course should focus on attitudes and behaviour rather than on knowledge and skills; for offenders with a potential alcohol/drugs problem or a personality disorder, a medical-psychological examination and longer term behavioural or psychological assistance or monitoring should be included.

In practice, not all countries include these educational measures in their system. Based on the above best practice recommendations, it seems necessary to include one or more of the recommended educational measures into the sanctioning process. Compared to the current Belgian practice, where courses are mainly limited to judging more severe and repeat offenders in court, implementing systematic driver improvement courses also for relatively minor but repeat offences implies a fundamental change to the system. This will however need to be considered too.

Although license reinstatement is not discussed in detail in the BestPoint project, the international benchmark made clear that several countries impose theoretical driving examinations and psychological and medical fitness-to-drive evaluations as a condition of license reinstatement. Since repeat offenders continuing to offend even after warning and in the face of the risk of losing their license give rise to questions about their fitness-to-drive, including these examinations before regranting the license after withdrawal also needs to be considered.

5.3.2.4 Administration

The essential recommendations for managing a system to track repeat offences made by BestPoint are:

- A central register in which all information about each offender comes together is necessary to identify repeat offenders and to calculate the actual points' status.
- Where more than one organisation is involved the duplication of work should be avoided.

- The use of a central register which triggers action of local authorities only when needed is seen to be very efficient.
- Computerise the administrative processes as much as possible, e.g., for transferring offence information, calculating points' status and thresholds for follow-up actions, and for sending personalised information and warning letters.

Ultimately, this comes down to organizing an automated system for sanctioning repeat offences, which does not involve court procedures or qualitative evaluations of the offences included. In most of the identified benchmarking countries, the system for identifying and sanctioning repeat offenders is conceived as an administrative system that runs parallel to the existing legal procedures. Countries in which a demerit point system has been recently introduced, like Portugal and Spain, show that it is feasible to introduce a system that meets the BestPoint requirements in complement to the existing legal procedures.

5.3.3 Considerations for implementation

Introducing a form of automated system for following up on and administration interventions for repeat offenders would always imply careful consideration of:

- the main algorithm for attributing numbers to infractions of different severity: this is a difficult balancing exercise that not only requires taking into account risk estimates, but also the frequency and impact of different types of risky behaviour on Belgian roads. According to best practice recommendations repeat minor infractions should also be included in the system. The weight associated with relatively minor infractions like an excess speed of a few kilometers per hour or not wearing a seatbelt should be evaluated carefully.
- the integration of an automated point system in the different levels of policy and in the Belgian legal and administrative system
- quality assurance procedures for all the different elements included in the system
- database management
- the development of communications services towards drivers accumulating one or more infractions
- awareness raising campaigns to support and explain the system
- based on the available review studies, a lasting effect of introducing an automated follow-up system could not be demonstrated beyond a period of about one year after introduction. This finding does not imply that follow up of repeat offences, including minor offences, should be integrated in an as adequate as possible process. The present benchmark shows that compared to most other countries; the sanctioning of accumulated offences can be optimized. Applying a system according to the BestPoint recommendations could be considered to accomplish that.

6 Conclusion

The key question at the origin of the present study is how the procedures for repeat traffic offences, also for minor or light offences, can be improved in Belgium. To analyze this question, we compared the current practice in Belgium with six other countries (supplemented with the results of the 2018 benchmarking with France and Spain). Some of the countries have a formal demerit point system, others use alternative systems for identifying and sanctioning repeat offenders. Therefore, the analyses conducted do not only concern demerit point systems that are labelled as such, but also other approaches for identifying and sanctioning repeat offenders.

The analysis shows that Belgium is lagging behind on most countries in assuring a follow-up for accumulation of relatively 'minor' traffic offences. Relatively minor speeding infractions, intoxication levels between 0.5 and 0.8 g/l, handheld cellphone use and not wearing a seatbelt are mostly sanctioned with fines only. Next, the sanction severity regarding relative 'minor' offences is low in Belgium. This is particularly the case for drink-driving and distraction offences. This allows drivers to accumulate as many of these types of offences over time "as their wallet allows". This contrasts with demerit point systems and other systems applied in other countries, where a threshold is set on the number of these types of offences incurred during a certain period. Because of the obvious safety risk, it is unacceptable that some drivers are allowed to continue to accumulate these types of risks in traffic without ever being held accountable. We recommended to introduce a system to assure follow up of these types of offences and drivers with appropriate sanctions and preventive measures.

The most frequently applied way to manage this process is a fully automated administrative system that functions in parallel to the existing legal procedures. Automating the evaluation requires an algorithm to take both the number of the offences and the severity of the offences into account. It also requires integrating all possible forms of at-risk behaviour according to accident risk into the system. In practice this comes down to applying a form of demerit point system. The analysis of international practices shows that the identification and sanctioning of repeat offenders in Belgium could be improved by applying a well-designed automated administrative system. Automated systems allow to identify unacceptable levels of repeat minor offences automatically, can be communicated transparently to the population, offer preventive possibilities through informing drivers consequently on their track record and allow to automate decisions on the type of sanctions and rehabilitation measures (driver improvement, fitness-to-drive evaluations, ...) that are coupled to certain levels of repeat offences. On the other hand, automated systems do not take the circumstances of the offences and the personal situation of the offender into account in the sanctioning process. Such a qualitative evaluation of repeat minor offences would require extending the systematic follow up of repeat offences also to relatively minor offences in the legal court system. Either way, the systematic registration of all offences in a central database is a precondition.

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Appendix 1 - Comparative overview table

The table below gives a summary overview of the main characteristics of the system applied in each of the benchmarking countries.

	Finland	Switzerland	UK	Norway	Portugal	Slovenia	France	Spain
DPS	Yes and no: count system	No, cascade system (similar to DPS to some extents)	Yes	Yes	Yes	Yes	Yes	Yes
Max points in the DPS	NA	NA	12	8	12	18	12	12
Period of the DPS (years)	3 offences in 1 year or 4 offences in 2 years lead to license withdrawal - only intermediate severity offences included - 5 years for dui	Up to 2 years for the moderately severe offence and up to 10 years for severe offences	3, but the lifespan is allocated to the individual points and hence this is not a predefined period with fixed dates	3	3	2	10 years	Unlimited for drivers that never have a 2-year period without any infraction
Min allocation	NA	NA	3	2	2	1	1	1
Max allocation	NA	NA	11	3	6	18	12	15
Automatic allocation of DPS	Yes, but point are "unweighted": 1 point is counted for each offence	Yes in the event of moderate to severe offence	Yes, for light offences	Yes for the 12 violations	Yes	Yes	Yes	Yes

Court involvement is allocation of dps	No	NA	Yes, for serious offences and when the 12-point limit is reached. Court involvement does not necessarily imply judge involvement.	To be confirmed, but points allocated at the end of the criminal proceeding	No	No	No	No
Extensive list of infractions (>10)	No	NA	Yes	Yes (12 infractions)	Yes	Yes, see the Traffic Rules Act	Yes	Yes
List easily adaptable	Probably	NA	No	Unknown	Unknown	Probably	Unclear	Unclear
Speed part of system	Yes - if driver identifiable via camera & excess speed > 10 km/h	Yes both light and severe offences	Yes, both as light and serious offences	Yes, both light and moderately severe offences	Yes, only severe speed offences (> 20 km/h)	Yes	Yes	Yes
DUI also part of system	Rather no: all DUI offences immediately lead to driving ban of min. 1 month - not included in count system	Yes	Yes, but this always a serious offence and hence court referral	No (it is part of the criminal proceeding only)	Yes	Yes	Yes	Yes
DUI drugs part of system	Rather no: similar as for dui alcohol	Yes	Yes, but always serious offence and hence court referral	No (it is part of the criminal proceeding only)	Yes	Yes	Yes	Yes
Distraction part of system	Yes	Yes	Yes, light offence	Yes (since 2011)	Yes	Yes	Yes	Yes
Safety belt part of system	No	Yes	Yes, light offence	No (but CRS is, 2 points and a fixed fine)	No	No	Yes	Yes

Civil procedure	Rather yes: administered and managed by police	For the light offences	Yes, for the light offences	Yes for the light and moderately severe offences	Yes, for light and (very) serious offences	No and yes (Misdemeanor proceeding)	Yes	Yes
Criminal procedure	Rather no: automatically administered by the police	For the moderately severe and severe offences (in parallel to the administrative proceeding)	Yes, for the serious offences	Yes, for serious offences	Yes, for traffic crimes	Yes for serious offences	No	No
Civil and Criminal at the same time	No	Yes for moderately to severe offences	No	No	No	No	No	No
Special regime for novice drivers	Yes	Yes, more severely sanctioned	Yes	Yes, points are doubled	No, but a 'probationary' license first three years	Yes, for DUI	Yes	Yes
Special regime for professional drivers	No	Yes, in case of DUI offences	Yes	No	No	Yes, for DUI	No but to be checked	Yes
Special regime for other types?	No	No but to be checked	Yes, decisions from Northern Ireland and the Isle of Man are also taken into account	No	No	Unknown	No	Unclear
Intermediate warning of status	Yes in case of 1 offence below count threshold	No because no points system	In general no, but professional drivers could be summoned sooner	Yes, when the 4-points threshold is reached	No, drivers can consult the point status on a website	Yes when 16- points is reached	Yes	

Different decision private and professional driver?	No	NA	Point gathered for both types enter into the same DPS system and are hence added. The courts can ban sooner for the professional driving.	No	No	Unknown	Unclear	Yes
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Sanctions	Finland	Switzerland	UK	Norway	Portugal	Slovenia	France	Spain
DL withdrawal	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Minimal DL withdrawal period (months)	1 month - duration depends on offence severities	1 month for a repeated light offence, 1-4 months for a repeated moderately severe offence, 3-12 months for severe offences	6 fixed, but more when banned before	6 fixed when 8-penalty points reached. More in the event of severe offences	1 month	6 months - longer period can be charged	6 months - longer for repeat withdrawals in DPS	6 months (3 for professionals)
Customizable?	Yes	Yes	Yes	Unknown	Unknown	Yes	No	
By whom?	Traffic law	Unknown	Court decision	Unknown	Unknown	Court	Does not apply	
Monetary fines	Yes	Yes, for DUI above 0.8g/l (Day-fine)	Yes, fixed for light offences	Yes for severe offences but for DUI based on the month gross salary	Yes	Yes	Yes	Yes
Customizable?	Yes	Unknown	Yes, for serious offences	Yes	Yes	Unknown	Unclear	
By whom?	Police	Unknown	Court	Court	Unknown	Unknown		
Prison sentences	Unknown	Yes for severe offences	Yes, for serious offences	Yes for severe offences	Yes	Yes (for crimes)		
Customizable?		Unknown	Yes	Yes	Yes	Unknown		
By whom?		Unknown	Court	Court	Unknown	Unknown		

Reinstatement	Finland	Switzerland	UK	Norway	Portugal	Slovenia	France	Spain
Automatic	Yes after ban	Yes after ban	Yes after ban, but when ban is >56 days, then apply for new DL	Yes but when ban is > 6 months, then apply new practical test, if ban > 12 months, then apply practical and theoretical tests	Yes	No	No	No
Nilify after ban?	No	NA	No, as points are allocated to individual endorsements	No	Yes	Unknown	No	
Repeat offending	Finland	Switzerland	UK	Norway	Portugal	Slovenia	France	Spain
Automatic registration	Yes	Yes, the administrative sanctions are registered in the SIAC	Yes, in the DPS	All penalty points are registered in the "Prikkregisteret"	Yes	Penalty points are registered in one database	Yes	Yes
Category or sanction specific	Only specific intermediate severity offences are included / dui dealt with in seperate process	Only the administrative sanction (warning, license withdrawal, educative measures)	No, all endorsements are part of the DPS system. The court can take category specificity into account, for example DUI	Only 12 violations are sanctioned with the penalty points so penalty points are simply added up	Weighed according to offence severity	No	Weighed according to offence severity	Weighted according to offence severity
Registration period	3 year	10 years (after the last offence)	4 years for light offences, up to 11 years or indefinite for serious offences.	3 years	3 years	2 years (after the last offence)	10 years	Seems unlimited

Database	Finland	Switzerland	UK	Norway	Portugal	Slovenia	France	Spain
Single database	Rather yes, but criminal offences in specific judicial database	Yes, the SIAC	Yes	One for the penalty points, one for the Fines (dealt by the court), one for the licence, one for the criminal sanctions/offences	No, one database for light offences and one for (very) serious offences	Yes, for points and infractions	Yes	Yes
Easily accessible	Unclear	Yes to official bodies	Yes, for official bodies, DL holder, and upon request and permission also private bodies	Yes to official bodies. On demand for the licence holders	Yes to official bodies	Yes, for police and whom?	Yes to official bodies	Unclear

DI courses	Finland	Switzerland	UK	Norway	Portugal	Slovenia	France	Spain
Available	Only for novice drivers	Educational programs (4) exist but are not available everywhere (Canton)	Yes, but only upon offer by sanctioning authority	Educational programs for DUI offenders are available but are optional	Yes	Yes (speeding offences certainly, might be for other types of offences)	Yes	Yes
Obligation	Yes	Can be ordered but can also be followed on voluntary basis	No	No	Yes	Yes (speeding offences in case of license withdrawal)	Yes, if more than 3-point infraction	Yes to recover license

Specific topics	No	Yes (DUI for novice drivers, DUI for repeat offenders, Admonition license revocation, Safety licence revocation)	Yes, for example for speed, driver alertness, motorcycling, carelessness, ...	DUI	Yes (speeding, drink-driving, other offences e.g., distraction)	Unknown	Yes	
Paid by the client	Probably	Yes	Yes, fully	Yes	Yes	Unknown	Yes	Yes
For repeat offenders	Yes	Yes (1)	No, only first offenders and mostly without causing accidents	No	Yes	Unknown	Yes	Yes
Alternative to sanction	No - supplementary	No	Partly	No	Yes	Unknown	No	No
Organised by	Driving schools or other approved organisations	Authority and public bodies	Authority and public bodies	Unknown	Authority and public bodies	Unknown	Approved organisations	Approved organisations
Part of the system?	Yes	No	Yes, but only upon offer by sanctioning authority	No	Yes	Unknown	Yes	Yes
Official evaluation?	No - only certificat of participation	No (but requirements on the trainers, content, duration are legally established)	No, active participation and favourable assessment of the provider is required	Unknown	No, only attendance and active participation	Unknown	No, certificat of participation BUT mandatory psy and medical examination	Yes, examination on course content, must pass to recover license

Fitness to Drive evaluation	Finland	Switzerland	UK	Norway	Portugal	Slovenia	France	Spain
Medical	Not part of the count system but possible when required by police	Yes in case of Safety License withdrawal	Yes, but only for high risk offenders, by court decision	No	Yes	Yes (in the event of a license withdrawal due to DUI)	Yes mandatory to recover license	No
Psychological	Not part of the count system but possible when required by police	Yes in case of Safety License withdrawal	No	No	Yes	Yes (in the event of a license withdrawal due to DUI)	Yes mandatory to recover license	No
Driving		Unknown	Only for some offenders, by court decision	No	Yes	Yes (for severe speeding offences)	Yes mandatory to recover license	Yes theoretical examination

Appendix 2 – Switzerland: additional information

1. Educational Courses and Program: "[Cours destinés aux personnes frappées d'un retrait du permis de conduire | BPA \(bfu.ch\)](#)"

	Cours pour les délinquants de la route en état d'ébriété I	Cours pour les délinquants de la route en état d'ébriété II (pour récidivistes)	Virage retrait d'admonestation	Virage retrait de sécurité
Groupe cible	Cours pour primodélinquants de la conduite en état d'ébriété en vue de la restitution anticipée du permis de conduire	Cours pour les délinquants de la conduite en état d'ébriété en vue d'éviter les récidives	Cours pour les délinquants de la route en vue de la restitution anticipée du permis de conduire	Cours pour les délinquants de la route
Contenu	<p>Le cours repose sur l'échange d'expériences avec, en moyenne, quatre autres personnes dans la même situation et se concentre sur l'élaboration de solutions concrètes afin d'éviter que vous repreniez le volant sous l'influence de l'alcool. Il met l'accent sur les éléments suivants :</p> <ul style="list-style-type: none"> • alcool et sécurité routière • conséquences sur le comportement au volant, le bien-être et la santé • conséquences juridiques • boire et conduire : schémas personnels typiques • élaboration et mise en application de solutions individuelles concrètes • reconnaissance de signaux d'alarme dans les situations à risque • prévention de la récidive • fixation d'objectifs 	<p>Le cours repose sur l'échange d'expériences avec 8 à 10 autres personnes dans la même situation et se concentre sur l'élaboration de solutions concrètes afin d'éviter que vous repreniez le volant sous l'influence de l'alcool. Il met l'accent sur les éléments suivants :</p> <ul style="list-style-type: none"> • alcool et sécurité routière • conséquences juridiques • consommation d'alcool : évolution et situation actuelle • conséquences sur le comportement au volant, le bien-être et la santé • élaboration de solutions individuelles concrètes 	<p>Le cours repose sur l'échange d'expériences avec, en moyenne, quatre autres personnes dans la même situation et se concentre sur l'élaboration de solutions concrètes afin d'éviter de nouveaux délits routiers entraînant un retrait de permis. Il met l'accent sur les éléments suivants :</p> <ul style="list-style-type: none"> • les délits routiers et leur dangerosité • conséquences juridiques • fixation de nouveaux objectifs de comportement dans la circulation routière • reconnaissance de signaux d'alarme en relation avec les comportements dangereux • élaboration de solutions individuelles concrètes 	<p>Le cours repose sur l'échange d'expériences avec une dizaine d'autres personnes dans la même situation et se concentre sur l'élaboration de solutions concrètes afin d'éviter de nouveaux délits routiers entraînant un retrait de permis. Il met l'accent sur les éléments suivants :</p> <ul style="list-style-type: none"> • les délits routiers et leur dangerosité • conséquences juridiques • fixation de nouveaux objectifs de comportement dans la circulation routière • reconnaissance de signaux d'alarme en relation avec les comportements dangereux • élaboration de solutions individuelles concrètes
Durée	<ul style="list-style-type: none"> • 4 unités de 90 minutes chacune, en l'espace de 4 semaines • 2 entretiens téléphoniques consécutifs (facultatifs) de 20 minutes environ chacun 	<ul style="list-style-type: none"> • Entretien préalable d'une heure • 6 unités de 2 heures chacune, en l'espace de 6 semaines 	<ul style="list-style-type: none"> • 4 unités de 90 minutes chacune, en l'espace de 4 semaines • 2 entretiens téléphoniques consécutifs (facultatifs) de 20 minutes environ chacun 	<ul style="list-style-type: none"> • 2 entretiens préalables d'une heure environ chacun • 6 unités de 2 heures chacune • 1 entretien consécutif facultatif d'une heure environ
Frais	CHF 530.–	CHF 650.–	CHF 530.–	CHF 1050.–

2. Infractions degrees and administrative measures incurred

Table with the license revocation duration depending on the gravity of the infraction and the reiteration time (source: [avocats de la route](#)¹⁵).

Durée du retrait du permis de conduire en cas d'antécédents



Tableau 1 : en croix

Gravité et nombre d'antécédents	Temps écoulé depuis la restitution du permis ou un avertissement	Gravité de l'infraction nouvellement commise			
		Faute légère	Faute moyennement grave	Faute grave	Délit de chauffard
Faute légère	1 ou plusieurs précédente(s) faute(s) légère(s)	Moins de 2 ans Moins de 10 ans	retrait de 1 mois au moins Pas d'aggravation (avertissement)	Pas d'aggravation (retrait de 1 mois au moins) Pas d'aggravation (retrait de 3 mois au moins)	Pas d'aggravation (retrait de 2 ans au moins)
Faute moyennement grave	1 précédente faute moyenn. grave	Moins de 2 ans	retrait de 1 mois au moins	retrait de 4 mois au moins	retrait de 6 mois au moins
		Moins de 5 ans	Pas d'aggravation	retrait de 6 mois au moins	Pas d'aggravation
		Moins de 10 ans	Pas d'aggravation	Pas d'aggravation	Pas d'aggravation
	2 précédentes fautes moyenn. graves	Moins de 2 ans	retrait de 1 mois au moins	retrait de 9 mois au moins	retrait de 12 mois au moins
		Moins de 5 ans	Pas d'aggravation	retrait de 12 mois au moins	Pas d'aggravation
		Moins de 10 ans	Pas d'aggravation	Pas d'aggravation	Pas d'aggravation
	Dès 3 fautes moyennement graves par le passé	Moins de 2 ans	retrait de 1 mois au moins	durée indéterminée mais au moins 2 ans ¹	durée indéterminée mais au moins 2 ans ¹
		Moins de 5 ans	Pas d'aggravation	durée indéterminée mais au moins 2 ans ¹	Pas d'aggravation
		Moins de 10 ans	Pas d'aggravation	durée indéterminée mais au moins 2 ans ¹	Pas d'aggravation
Faute grave (ou délit de chauffard)	1 précédente faute grave (ou délit de chauffard)	Moins de 2 ans	retrait de 1 mois au moins	retrait de 4 mois au moins	retrait de 12 mois au moins
		Moins de 5 ans	Pas d'aggravation	Pas d'aggravation	retrait de 12 mois au moins
		Moins de 10 ans	Pas d'aggravation	Pas d'aggravation	Pas d'aggravation
	2 précédentes fautes graves (ou délits de chauffard)	Moins de 2 ans	retrait de 1 mois au moins	retrait de 15 mois au moins	durée indéterminée mais au moins 2 ans ¹
		Moins de 5 ans	Pas d'aggravation	Pas d'aggravation	durée indéterminée mais au moins 2 ans ¹
		Moins de 10 ans	Pas d'aggravation	Pas d'aggravation	durée indéterminée mais au moins 2 ans ¹
	3 précédentes fautes graves (ou délits de chauffard)	Moins de 2 ans	retrait de 1 mois au moins	durée indéterminée mais au moins 2 ans ¹	retrait définitif
		Moins de 5 ans	Pas d'aggravation	durée indéterminée mais au moins 2 ans ¹	retrait définitif
		Moins de 10 ans	Pas d'aggravation	durée indéterminée mais au moins 2 ans ¹	retrait définitif ¹
Mixte	1 faute grave (ou délit de chauffard) et 1 faute moyenn. grave par le passé	Moins de 2 ans	retrait de 1 mois au moins	retrait de 9 mois au moins	retrait de 12 mois au moins
		Moins de 5 ans	Pas d'aggravation	Pas d'aggravation	retrait de 12 mois au moins
		Moins de 10 ans	Pas d'aggravation	Pas d'aggravation	Pas d'aggravation
	1 faute grave (ou délit de chauffard) et 2 fautes moyenn. graves par le passé	Moins de 2 ans	retrait de 1 mois au moins	durée indéterminée mais au moins 2 ans ¹	durée indéterminée mais au moins 2 ans ¹
		Moins de 5 ans	Pas d'aggravation	durée indéterminée mais au moins 2 ans ¹	durée indéterminée mais au moins 2 ans ¹
		Moins de 10 ans	Pas d'aggravation	durée indéterminée mais au moins 2 ans ¹	durée indéterminée mais au moins 2 ans ¹
	2 fautes graves (ou délits de chauffard) et 1 faute moyenn. grave par le passé	Moins de 2 ans	retrait de 1 mois au moins	durée indéterminée mais au moins 2 ans ¹	retrait définitif
		Moins de 5 ans	Pas d'aggravation	durée indéterminée mais au moins 2 ans ¹	retrait définitif
		Moins de 10 ans	Pas d'aggravation	durée indéterminée mais au moins 2 ans ¹	retrait définitif ¹
Délit de chauffard	1 précédent délit de chauffard	Moins de 2 ans	retrait de 1 mois au moins	retrait de 4 mois au moins	retrait de 12 mois au moins
		Moins de 5 ans	Pas d'aggravation	Pas d'aggravation	retrait de 12 mois au moins
		Moins de 10 ans	Pas d'aggravation	Pas d'aggravation	Pas d'aggravation

¹ sauf s'il y a une période de 5 années consécutives sans aucune mesure sur les 10 ans

² sauf si la mesure précédente, soit un retrait de durée indéterminée mais d'au moins 2 ans, a pris fin il y a plus de cinq ans, dans quel cas la mesure sera celle d'une durée indéterminée, mais au moins de 2 ans.

¹⁵ <https://avocats-route.ch/wp-content/uploads/2020/01/influence-antcdents-sur-les-mesures-administratives.pdf> (consulté le 06 juin 2021).

Durée du retrait du permis de conduire en cas d'antécédents



Tableau 2 : en lignes

Vous venez de commettre une infraction légère...		
Vos antécédents sont :	Temps écoulé depuis la fin de la dernière mesure :	Votre sanction sera au minimum :
Aucun antécédent	- - -	Un avertissement
Une ou plusieurs infraction(s) légère(s), moyenne(s) ou grave(s)	Il y a plus de deux ans	Un avertissement
	Il y a moins de deux ans	Un retrait de 1 mois
Vous venez de commettre une infraction moyennement grave...		
Vos antécédents sont : les infractions légères ne comptent pas le délit de chauffard vaut comme une infraction grave	Temps écoulé depuis la fin de la dernière mesure :	Votre sanction sera au minimum :
Aucun antécédent	- - -	Un retrait de 1 mois
Une infraction moyennement grave	Il y a plus de deux ans	Un retrait de 1 mois
	Il y a moins de deux ans	Un retrait de 4 mois
Une infraction grave	Il y a plus de deux ans	Un retrait de 1 mois
	Il y a moins de deux ans	Un retrait de 4 mois
Deux infractions moyennement graves	Aucune des deux dernières années	Un retrait de 1 mois
	Une des deux dernières années	Un retrait de 4 mois
	Les deux des deux dernières années	Un retrait de 9 mois
Une infraction moyennement grave + Une infraction grave	Aucune des deux dernières années	Un retrait de 1 mois
	Une des deux dernières années	Un retrait de 4 mois
	Les deux des deux dernières années	Un retrait de 9 mois
Deux infractions graves	Aucune des deux dernières années	Un retrait de 1 mois
	Une des deux dernières années	Un retrait de 4 mois
	Les deux des deux dernières années	Un retrait de 15 mois
	Aucune des dix dernières années	Un retrait de 1 mois
Trois infractions moyennement graves ou graves	Trois au cours des dix dernières années, mais aucune durant ces cinq dernières années	Un retrait de 1 mois
	Trois au cours des dix dernières années, dont au moins une durant ces cinq dernières années	Un retrait de durée indéterminée, mais au moins deux ans
	Aucune des dix dernières années	Un retrait de 1 mois
Une infraction grave + Deux infractions moyennement graves	Trois au cours des dix dernières années, mais aucune durant ces cinq dernières années	Un retrait de 1 mois
	Trois au cours des dix dernières années, dont au moins une durant ces cinq dernières années	Un retrait de durée indéterminée, mais au moins deux ans
	Aucune des dix dernières années	Un retrait de 1 mois
Deux infractions graves + Une infraction moyennement grave	Trois au cours des dix dernières années, mais aucune durant ces cinq dernières années	Un retrait de 1 mois
	Trois au cours des dix dernières années, dont au moins une durant ces cinq dernières années	Un retrait de durée indéterminée, mais au moins deux ans
	Il y a plus de cinq ans	Un retrait de 1 mois
Un retrait de durée indéterminée, mais au moins deux ans	Il y a moins de cinq ans	Un retrait définitif
Vous venez de commettre une infraction grave...		
Vos antécédents sont : les infractions légères ne comptent pas le délit de chauffard vaut comme une infraction grave	Temps écoulé depuis la fin de la dernière mesure :	Votre sanction sera au minimum :
Aucun antécédent	- - -	Un retrait de 3 mois
Une infraction moyennement grave	Il y a plus de cinq ans	Un retrait de 3 mois
	Il y a moins de cinq ans	Un retrait de 6 mois
Une infraction grave	Il y a plus de cinq ans	Un retrait de 3 mois
	Il y a moins de cinq ans	Un retrait de 12 mois
Deux infractions moyennement graves	Aucune des cinq dernières années	Un retrait de 3 mois
	Une des cinq dernières années	Un retrait de 6 mois
	Les deux des cinq dernières années	Un retrait de 12 mois
	Aucune des cinq dernières années	Un retrait de 3 mois
Une infraction moyennement grave + Une infraction grave	Une des cinq dernières années : la moyennement grave	Un retrait de 6 mois
	Une des cinq dernières années : la grave	Un retrait de 12 mois
	Les deux des cinq dernières années	Un retrait de 12 mois
	Aucune des dix dernières années	Un retrait de 3 mois
Deux infractions graves	Trois au cours des dix dernières années, mais aucune durant ces cinq dernières années	Un retrait de 3 mois
	Trois au cours des dix dernières années, dont au moins une durant ces cinq dernières années	Un retrait de durée indéterminée, mais au moins deux ans
	Aucune des dix dernières années	Un retrait de 3 mois
Trois infractions moyennement graves	Trois au cours des dix dernières années, mais aucune durant ces cinq dernières années	Un retrait de 3 mois
	Trois au cours des dix dernières années, dont au moins une durant ces cinq dernières années	Un retrait de durée indéterminée, mais au moins deux ans
	Aucune des dix dernières années	Un retrait de 3 mois
Une infraction grave + Deux infractions moyennement graves	Trois au cours des dix dernières années, mais aucune durant ces cinq dernières années	Un retrait de 3 mois
	Trois au cours des dix dernières années, dont au moins une durant ces cinq dernières années	Un retrait de durée indéterminée, mais au moins deux ans
	Aucune des dix dernières années	Un retrait de 3 mois
Deux infractions graves + Une infraction moyennement grave	Trois au cours des dix dernières années, mais aucune durant ces cinq dernières années	Un retrait de 3 mois
	Trois au cours des dix dernières années, dont au moins une durant ces cinq dernières années	Un retrait définitif
	Aucune des dix dernières années	Un retrait de 3 mois
Trois infractions graves	Trois au cours des dix dernières années, mais aucune durant ces cinq dernières années	Un retrait de 3 mois
	Trois au cours des dix dernières années, dont au moins une durant ces cinq dernières années	Un retrait définitif
	Il y a plus de cinq ans	Un retrait de 3 mois
Un retrait de durée indéterminée, mais au moins deux ans	Il y a moins de cinq ans	Un retrait définitif
Vous venez de commettre un délit de chauffard...		
Vos antécédents sont : seules les précédents délits de chauffard comptent comme antécédent	Temps écoulé depuis la fin de la dernière mesure :	Votre sanction sera au minimum :
Aucune infraction ou une infraction qui n'est pas un délit de chauffard dans les cinq ans		Un retrait de durée indéterminée, mais au moins deux ans
Un précédent délit de chauffard dans les cinq ans		Un retrait définitif

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Appendix 3 – List of UK accident offences, their codes and associated penalty points

Accident offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
AC10	Failing to stop after an accident	5 to 10
AC20	Failing to give particulars or report an accident within 24 hours	5 to 10
AC30	Undefined accident offences	4 to 9

Disqualified driver

Codes BA10 and BA30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
BA10	Driving while disqualified by order of court	6
BA30	Attempting to drive while disqualified by order of court	6

Codes BA40 and BA60 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
BA40	Causing death by driving while disqualified	3 to 11
BA60	Causing serious injury by driving while disqualified	3 to 11

Careless driving

Codes CD10 to CD30 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CD10	Driving without due care and attention	3 to 9

Code	Offence	Penalty points
CD20	Driving without reasonable consideration for other road users	3 to 9

CD30	Driving without due care and attention or without reasonable consideration for other road users	3 to 9
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Codes CD40 to CD70 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
CD40	Causing death through careless driving when unfit through drink	3 to 11

CD50	Causing death by careless driving when unfit through drugs	3 to 11
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CD60	Causing death by careless driving with alcohol level above the limit	3 to 11
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CD70	Causing death by careless driving then failing to supply a specimen for alcohol analysis	3 to 11
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Codes CD80 and CD90 must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
CD80	Causing death by careless, or inconsiderate, driving	3 to 11

CD90	Causing death by driving: unlicensed, disqualified or uninsured drivers	3 to 11
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Construction and use offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
CU10	Using a vehicle with defective brakes	3

CU20	Causing or likely to cause danger by reason of use of unsuitable vehicle or using a vehicle with parts or accessories (excluding brakes, steering or tyres) in a dangerous condition	3
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Code	Offence	Penalty points
CU30	Using a vehicle with defective tyre(s)	3
CU40	Using a vehicle with defective steering	3
CU50	Causing or likely to cause danger by reason of load or passengers	3
CU80	Breach of requirements as to control of the vehicle, such as using a mobile phone	3 to 6

Reckless/dangerous driving

These codes must stay on a driving record for 4 years from the date of the conviction.

Code	Offence	Penalty points
DD10	Causing serious injury by dangerous driving	3 to 11
DD40	Dangerous driving	3 to 11
DD60	Manslaughter or culpable homicide while driving a vehicle	3 to 11
DD80	Causing death by dangerous driving	3 to 11
DD90	Furious driving	3 to 9

Drink

Codes DR10 to DR61 must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
DR10	Driving or attempting to drive with alcohol level above limit	3 to 11
DR20	Driving or attempting to drive while unfit through drink	3 to 11
DR30	Driving or attempting to drive then failing to supply a specimen for analysis	3 to 11

Code	Offence	Penalty points
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DR31	Driving or attempting to drive then refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity	3 to 11
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DR61	Refusing to give permission for analysis of a blood sample that was taken without consent due to incapacity in circumstances other than driving or attempting to drive	10
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Codes DR40 to DR70 must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
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DR40	In charge of a vehicle while alcohol level above limit	10
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DR50	In charge of a vehicle while unfit through drink	10
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DR60	Failure to provide a specimen for analysis in circumstances other than driving or attempting to drive	10
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DR70	Failing to co-operate with a preliminary test	4
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Drugs

These codes must stay on a driving record for 11 years from the date of the conviction.

Code	Offence	Penalty points
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DG10	Driving or attempting to drive with drug level above the specified limit	3 to 11
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DG60	Causing death by careless driving with drug level above the limit	3 to 11
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DR80	Driving or attempting to drive when unfit through drugs	3 to 11
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These codes must stay on a driving record for 4 years from the date of the offence or 4 years from date of conviction where a disqualification is imposed.

Code	Offence	Penalty points
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DG40	In charge of a vehicle while drug level above specified limit	10
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DR70	Failing to co-operate with a preliminary test	4
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Code	Offence	Penalty points
DR90	In charge of a vehicle when unfit through drugs	10

Insurance offences

Code IN10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
IN10	Using a vehicle uninsured against third party risks	6 to 8

License offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
LC20	Driving otherwise than in accordance with a license	3 to 6
LC30	Driving after making a false declaration about fitness when applying for a license	3 to 6
LC40	Driving a vehicle having failed to notify a disability	3 to 6
LC50	Driving after a license has been cancelled (revoked) or refused on medical grounds	3 to 6

Miscellaneous offences

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MS10	Leaving a vehicle in a dangerous position	3
MS20	Unlawful pillion riding	3
MS30	Play street offences	2
MS50	Motor racing on the highway	3 to 11

Code	Offence	Penalty points
MS60	Offences not covered by other codes (including offences relating to breach of requirements as to control of vehicle)	3
MS70	Driving with uncorrected defective eyesight	3
MS80	Refusing to submit to an eyesight test	3
MS90	Failure to give information as to identity of driver etc	6

Motorway offences

Code MW10 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
MW10	Contravention of special roads regulations (excluding speed limits)	3

Pedestrian crossings

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
PC10	Undefined contravention of pedestrian crossing regulations	3
PC20	Contravention of pedestrian crossing regulations with moving vehicle	3
PC30	Contravention of pedestrian crossing regulations with stationary vehicle	3

Speed limits

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
SP10	Exceeding goods vehicle speed limits	3 to 6
SP20	Exceeding speed limit for type of vehicle (excluding goods or passenger vehicles)	3 to 6

Code	Offence	Penalty points
SP30	Exceeding statutory speed limit on a public road	3 to 6
SP40	Exceeding passenger vehicle speed limit	3 to 6
SP50	Exceeding speed limit on a motorway	3 to 6

Traffic direction and signs

These codes must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
TS10	Failing to comply with traffic light signals	3
TS20	Failing to comply with double white lines	3
TS30	Failing to comply with 'stop' sign	3
TS40	Failing to comply with direction of a constable/warden	3
TS50	Failing to comply with traffic sign (excluding 'stop' signs, traffic lights or double white lines)	3
TS60	Failing to comply with a school crossing patrol sign	3
TS70	Undefined failure to comply with a traffic direction sign	3

Special code

Code TT99 must stay on a driving record for 4 years from the date of conviction.

It shows disqualification under 'totting-up' - if the total of penalty points reaches 12 or more within 3 years, the driver can be disqualified.

Theft or unauthorised taking

Code UT50 must stay on a driving record for 4 years from the date of the offence.

Code	Offence	Penalty points
UT50	Aggravated taking of a vehicle	3 to 11



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