

Opinion of the European Economic and Social Committee on the 'Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/126/EC of the European Parliament and of the Council as regards driving licences which include the functionalities of a driver card'

COM(2011) 710 final — 2011/0327(COD)

(2012/C 143/28)

Rapporteur: **Mr SIMONS**

On 17 November 2011, the European Parliament and, on 14 December 2011, the Council decided to consult the European Economic and Social Committee, under Articles 91 and 304 of the Treaty on the Functioning of the European Union (TFEU), on the

Proposal for a Directive of the European Parliament and of the Council amending Directive 2006/126/EC of the European Parliament and of the Council as regards driving licences which include the functionalities of a driver card

COM(2011) 710 final – 2011/0327 (COD).

The Section for Transport, Energy, Infrastructure and the Information Society, which was responsible for preparing the Committee's work on the subject, adopted its opinion on 3 February 2012.

At its 478th plenary session, held on 22 and 23 February 2012 (meeting of 22 February), the European Economic and Social Committee adopted the following opinion by 122 votes to 5 with 12 abstentions.

1. Conclusions and recommendations

1.1 So that the legislation is adapted in a uniform way, the Committee believes that it would be advisable to opt for a regulation rather than a directive; this would rule out individual interpretations by the Member States.

1.2 The EESC endorses the ultimate objective of the Commission proposal, which is to integrate the functionalities of driver cards into driving licences with the aim of improving compliance with the social legislation governing driving and rest periods. However, it notes that a number of problems (see non-exhaustive list in point 4) must be resolved before an unambiguous, implementable and efficient legislation can be achieved.

1.3 If solutions cannot be found to these problems, the Committee recommends that a study be commissioned to examine the compatibility of the relevant existing legislation, and that this be amended in such a way that there is no loss of functionality in any generation of the digital tachograph. The Committee suggests that the social partners, tachograph manufacturers and supervisory authorities should be involved in carrying out this study.

1.4 The Committee has reservations about the reduction of around EUR 100 million per year in the administration burden cited by the Commission. A solid basis is needed, as the Commission's impact analysis does not provide enough certainty.

1.5 The Committee suggests that if the idea is ultimately to merge the driver card with the driving licence, there must be effective coordination not just with the AETR countries, but also with the non-AETR countries, so as to ensure that relevant legislation is enforced and overseen in a uniform and fair manner.

1.6 The Committee believes that the Commission should make it clear how it intends to resolve the issues mentioned in point 4 below that are related to integrating the driver card with the driving licence using a single microchip. One option could be to insert two separate chips into the driving licence, although it is very unlikely that this would solve all the problems.

2. Introduction

2.1 On 11 November 2011 the Commission published its proposal for a Directive amending Directive 2006/126/EC of the European Parliament and of the Council as regards driving licences which include the functionalities of a driver card (COM(2011) 710 final). The European Parliament and the Council have asked the European Economic and Social Committee to issue an opinion on this proposal under Articles 91 and 304 TFEU.

2.2 The Committee welcomes the fact that it is being consulted on this matter, given its view that the matter is important for better social regulation in relation to the carriage of goods and passengers by road.

2.3 The Commission's proposal is related to its proposal for a Regulation amending Regulation No. 3821/85 on recording equipment in road transport (the tachograph regulation) and its proposal amending Regulation No. 561/2006 on drivers' driving times and rest periods.

2.4 The Committee adopted an opinion on the above-mentioned regulations at its plenary session on 7 December 2011, ⁽¹⁾ in which it commented on the proposal as follows: "The Committee welcomes the Commission's proposal to merge

⁽¹⁾ OJ C 43, 15.2.2012, p. 79–81.

the features of driver cards with those of driving licences, which would improve security and reduce the administrative burden where practicable".

2.5 The Commission's proposal concerns merging the driver card into the driving licence, which it believes will reduce scope for fraud and reduce the administrative burden over the long term, since the idea is that only one document, rather than two, will need to be acquired and presented. The Commission estimates that this will save EUR 100 million per year.

3. General comments

3.1 The Committee supports standardising legislation to minimise misunderstandings over its interpretation. The Commission has chosen to cast its proposal in the form of a directive, probably because the legislation on driving licences is also in the form of a directive, giving the Member States latitude for their own interpretations. However, the Committee wonders whether a proposal for a regulation would not make more sense here.

3.2 The Committee subscribes to the underlying objective of the Commission's proposal, which is to facilitate the enforcement of social legislation in road transport while curbing fraud and reducing the administrative burden, but it believes that a number of problems (outlined in point 4 below) must be resolved first.

3.3 As regards the estimated yearly savings of EUR 100 million in the administrative burden anticipated by the Commission on the basis of the impact assessment, the Committee believes that integrating the driver card into the driving licence does not in itself guarantee such an outcome. Merging documents does not by definition result in greater efficiency and cost savings.

3.4 The EESC wonders whether the Commission's proposal to introduce an integrated driver card and driving licence provides sufficient guarantees to drivers when they are in a non-EU, AETR country and subject to checks there. The priority when introducing new legislation must be to reach a clear understanding about enforcement and oversight of the legislation, not only with the other AETR countries but also with non-AETR countries.

3.5 If explicit solutions cannot be found to all the problems inherent in the Commission proposal that are mentioned in this point and below, the Committee recommends that a study be conducted to examine the compatibility of the relevant existing

legislation, and that this be amended in such a way that there is no loss of functionality in any generation of the digital tachograph. It would seem sensible to involve all the relevant stakeholders, including social partners, tachograph manufacturers and supervisory authorities, in this process.

4. Specific comments

4.1 The Committee believes that the Commission does not make sufficiently clear how it intends to resolve the issues related to integrating the driver card with the driving licence with a single microchip.

4.1.1 One example is infringement of the laws on driving and rest periods and whether this results in confiscation of the driving licence. In many cases this would be disproportionate.

4.1.2 The specifications of the microchip for the driver card are different from those for the driving licence. Does this mean that the rules governing the digital tachograph have to be adapted?

4.1.3 The rules on confiscation of the driver card are different from those on confiscation of a driving licence. These rules are laid down in EU and national law, which makes them difficult to harmonise.

4.1.4 The driving licence can be used as an identity card in some countries. If a driver uses it to prove identity, the card will have to be taken out of the wallet. But the driver card may not be removed from the recording device during recording, driving or other activities.

4.1.5 Some Member States already have a combination of CPC (certificate of professional competence) and driving licence. Integrating the driver card will result in the combined type of card becoming more common.

4.1.6 The integrated driver card/driving licence could have implications for the AETR agreement, and these should be clarified and resolved before the Commission proposal is adopted.

4.1.7 Under the Commission proposal, the microchip for the driving licence must also contain the applications of the driver card. The two different specifications in these documents create a problem, however. The Committee could envisage not just one, but two microchips being inserted into the driving licence.

Brussels, 22 February 2012.

The President
of the European Economic and Social Committee
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