Opinion of the European Economic and Social Committee on ‘A European highway code and vehicle register’

(2005/C 157/04)

On 29 January 2004, the European Economic and Social Committee decided to draw up an opinion, under Rule 29(2) of its Rules of Procedure, on ‘A European highway code and vehicle register’.

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 5 October 2004. The rapporteur was Mr Pegado Liz.

At its 413th plenary session of 15 and 16 December 2004 (meeting of 15 December 2004), the European Economic and Social Committee adopted the following opinion by 147 votes to one with three abstentions.

1. Introduction: Aim of the opinion and grounds

1.1 At its meeting on 29 January 2004, the EESC accepted the TEN Section’s request to draw up an own-initiative opinion on a European highway code.

1.2 In view of the fact that (a) the free movement of people is one of the fundamental freedoms enshrined in the Treaty (¹), (b) the abolition of border controls between the Member States is one of the EU’s objectives (²), as consolidated by the Schengen acquis (³), and (c) transport is one area where the Community has a common policy (⁴), harmonising road traffic legislation would seem to be an issue of paramount importance, particularly for completing the internal market (⁵).

1.3 Account should also be taken of the volume of road passenger and freight transport in the Europe of 15, which has grown exponentially in recent years.

The latest statistics indicate in particular that:

— the land transport sector employs 3.9 million people (data for 2001);

— road freight haulage accounts for 45 % of all freight haulage, having grown by 120 % since 1970;

— road passenger transport accounts for 86.8 % of all passenger transport, having grown by 128 % since 1970;

— turnover (data for 2000) for land passenger transport (€55.455 million) and freight haulage (€220.787 million) accounts for around 49 % of total turnover in the transport sector (€566.193 million) (no statistics are available for Greece) (⁶).

1.4 Road passenger and freight transport is governed by many different national regulations, even as far as basic driving rules and principles are concerned.

1.4.1 As well as this, several international conventions are also in force, each with varying scopes and conflicting provisions.

1.4.2 A simple road journey across Europe therefore subjects drivers to varying rules and regulations, exposing them to diverse and sometimes contradictory rules.

1.4.3 This situation has become even more complicated with the recent EU enlargement, and the arrival of new Member States which also have their own particular driving rules.

1.5 The objective of this own-initiative opinion is to urge the Commission to consider the necessity and advisability of legislation to harmonise driving rules across the European Union, albeit with a number of exceptions, conducting an analysis of comparative law to highlight discrepancies in the rules and regulations contained in the highway codes of the various Member States, and proposing possible solutions for European-level harmonisation.

1.6 When drawing up this opinion, it was deemed essential that the main stakeholders’ views be taken into account (via representatives of road users, vehicle manufacturers and regulatory bodies). A public hearing was therefore organised in parallel with the second study group meeting on 17 May 2004, and was attended by individuals involved in the sector.

1.6.1 To facilitate discussions, and at the same time collect information, a questionnaire was prepared and submitted to group members for their views.

(¹) Articles 39 et seq. of the EC Treaty.
(²) Article 2, 4th indent of the EU Treaty and Articles 61 et seq. of the EC Treaty.
(³) Protocol No. 2 to the EU Treaty.
(⁴) Articles 70 et seq. of the EC Treaty.
(⁵) Articles 95 et seq. of the EC Treaty.
2. Background to the opinion

2.1 The idea of drawing up a universal highway code is not new: indeed, where Europe in particular is concerned, there have already been initiatives in this area, such as the call for codification of existing rules at the VIII International Congress on Traffic (1).

2.2 Also during the 38th Conference of the German Council of Transport Authorities held in January 2000, Working Group IV highlighted the harmonisation of European traffic rules as a key objective (2).

2.3 The Commission has been pursuing various initiatives arising from the same concern and targeting the same objective, but until now it has not fully taken on board the idea of drawing up a European highway code as such (3).

2.4 Particular emphasis must be given to the conclusions of a study recently conducted for the European Commission’s DG Energy and Transport, which put forward the arguments for harmonising traffic rules and enforcement practices through future EU legislative initiatives (10).

2.5 The EESC has, in turn, in various opinions, drawn attention to the need ‘to allow more free movement of vehicles within the Union’, placing ‘a responsibility on national authorities to abolish certain kinds of domestic rules and regulations which make it difficult for their own nationals to use vehicles registered in another Member State’ (7).

3. Brief summary of legislation set out in conventions and the scope thereof

3.1 International road traffic rules are enshrined in a number of conventions, the most important ones being the 1926 Paris Convention, the 1949 Geneva Convention and the 1968 Vienna Convention.

3.2 The International Convention relative to Motor Traffic was signed by 40 States in Paris on 24 April 1926. The Convention aimed to facilitate international tourism and is currently in force in over 50 countries.

3.2.1 The main objectives of this Convention are:

a) to define minimum technical specifications for motor vehicles, including registration, lights and vehicle identification in each State visited;

b) to lay down rules on the issuing and validity of international motor vehicle certificates, so that drivers can legally enter and drive in the territory covered by the Convention;

c) to recognise certain domestic driving permits and define the features of international driving permits valid in Contracting States that do not recognise other States’ domestic permits, without any intention of replacing the latter;


(2) This subject should be broached at the upcoming European Traffic Law Days (Trier V) in October 2004 and during the 1st European Road Congress, to be held in Lisbon from 24 to 26 November 2004, on the subject of ‘Mobility in an enlarged Europe: challenges and responsibilities in the Road Sector’.


(10) Cf OJ C 110 of 30.4.2004 on the Proposal for a Regulation amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles, for which the rapporteur was Mr Barros Vale. Also see Inter alia OJ C 134 of 30.4.2004 on the Proposal for a Directive on driving licences (Recasting), for which the rapporteur was Mr Jan Simmons, and OJ C 108 of 30.4.2004 on the Communication from the Commission on Information and Communications Technologies for safe and intelligent vehicles, for which the rapporteur was Mr V Ranocchiari.

(11) Cf OJ C 110 of 30.4.2004 on the Proposal for a Regulation amending the Convention implementing the Schengen Agreement of 14 June 1985 on the gradual abolition of checks at common borders as regards access to the Schengen Information System by the services in the Member States responsible for issuing registration certificates for vehicles, for which the rapporteur was Mr Barros Vale. Also see inter alia OJ C 112 of 30.4.2004 on the Proposal for a Directive on driving licences (Recasting), for which the rapporteur was Mr Jan Simmons, and OJ C 108 of 30.4.2004 on the Communication from the Commission on Information and Communications Technologies for safe and intelligent vehicles, for which the rapporteur was Mr V Ranocchiari.
d) to establish (six) danger signs which must be used by the Contracting States on roads within their territory;

e) to set up a system for exchanging information on drivers holding an international certificate and permit and involved in a serious accident or violating domestic road traffic laws.

3.2.2 While this Convention simplified customs procedures, it did not exempt drivers from knowing and observing domestic road traffic laws.

3.2.3 Moreover, the Convention did not enter into force until it had been ratified by each State and the respective ratified convention deposited. As a rule, the Convention is only in force in the main territory of the Contracting State; an explicit declaration is required for it to take effect in other territories under its administration.

3.3 The Convention on Road Traffic was signed by 17 States in Geneva on 19 September 1949. It is currently in force in over 120 countries and replaces the 1926 Convention in relations between the Contracting and Signatory States.

3.3.1 This Convention fleshed out the principles enshrined in the earlier convention, in line with developments in the car industry, and revealed a growing concern for road traffic safety.

3.3.2 While it did not stipulate the use of specific traffic signs, it did require that States adopt a homogeneous system of road signs and signals and only use them where strictly necessary.

3.3.3 This Convention did not lay down very many driving rules or introduce much which was new, other than precautions to take when passing oncoming traffic, rules on priority and the use of lights.

3.3.4 The Convention’s entry into force was subject to the same conditions as previously, while moves to introduce harmonisation were tempered by the fact that States were not bound to adopt certain provisions and could also reject amendments to it.

3.4 The Convention on Road Traffic of 8 November 1968 was signed in Vienna by 37 States and is currently in force in around 100. Once ratified and deposited, this Convention replaced the 1926 and 1949 Conventions in relations between the Contracting States.

3.4.1 This Convention is the most comprehensive in terms of road traffic regulations, dedicating a whole 30-article chapter to the rules of the road and laying down rules on the main manoeuvres found in modern-day highway codes. The 1968 Convention went further than the previous — minimalist — conventions, which had just dealt with the passing of oncoming traffic and the associated signs and signals; it not only laid down the principles to be observed by drivers when performing the most dangerous manoeuvres (e.g., overtaking, change of direction, precautions to take vis-à-vis pedestrians, etc.) but also regulated standing and parking, passengers boarding and alighting from vehicles, driving in tunnels — in short, the whole gamut of typical situations that drivers face.

3.4.2 This Convention went further than previous texts requiring the Contracting and Signatory States to bring the substance of their domestic legislation into line with the driving rules laid down in it. The advantage of this for drivers was that they would be familiar with the main driving rules when driving in other Signatory States.

3.4.3 Nonetheless, States were still given the option of rejecting amendments to the Convention.

3.5 As this overview clearly shows, three international conventions are in force in the European Union (which now includes ten new members), although not every Member State has signed up to all three Conventions (12). The EU is therefore still far from having harmonised road traffic rules, particularly if twenty-five constantly evolving domestic bodies of law are added to the conventions mentioned above (13).

3.6 A number of barriers have been — or are in the process of being — overcome, such as the abolition of border controls, conditions for the type-approval of vehicles and their components, and the mutual recognition of — and harmonisation of rules on — driving licences. However, the fundamental aspects of road traffic remain unresolved: driving rules and road signs and signals.

3.7 As far as the rest of the world is concerned, while these conventions facilitate customs procedures and driving within the Community, third-country nationals visiting the EU come across as many different driving rules and regulations as they do States.

(12) For example, between Portugal and Germany, the 1926 Convention is in force; between Portugal and Belgium, the 1949 Convention; between Germany and Belgium, the 1968 Convention. There are even more examples if account is taken of the new Member States. Further examples include the 1926 convention between Germany, Ireland and Holland; the 1949 one between Holland, Portugal and Sweden; and the 1968 one between Finland, Italy, Austria and Latvia. This diversity is rooted in the accession (or not) of states to the most recent instrument. Thus, when two or more countries sign up to the most recent instrument, previous conventions are no longer in force between them, but continue to be in force in relation to the other countries not signing up to the latest convention.

(13) For example, Portugal recently revised its highway code and Italy has just started to do the same.
4. A number of glaring discrepancies between Member States’ national legislation

4.1 A brief study of comparative law clearly reveals that there are significant differences between the road traffic legislation of the various Member States in a number of key areas. Such discrepancies constitute a genuine barrier to free movement and are likely to jeopardise the safety of people and goods and result in more accidents across Europe.

4.2 The following comments take particular, but not exclusive, account of observations made in the aforementioned study carried out for the Commission, which discusses these aspects in depth (14).

4.3 Below are some (of several) particularly significant and worrying current examples of differences in laws:

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<tr>
<th>Speed limit outside built-up areas on roads where there is a physical barrier separating the two carriageways</th>
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<th>Serious offences</th>
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<th>Requirement for light vehicles to be equipped with a first aid kit</th>
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<th>Red + amber light: prepare to move forward</th>
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(14) See the footnote referred to in footnote 10.
4.5 Furthermore, although there are significant differences just in the way that basic traffic rules are formulated, even more serious is the fact that these rules are interpreted and applied differently in the various Member States. This is not only because people view failure to comply with these rules differently, but also because the penalties for driving offences vary considerably too.

5. Summary of the hearing held on 17 May 2004

5.1 Thanks to the quality of the contributions, this public hearing — attended by representatives of i) various private bodies representing the interests of drivers, the car industry, road safety and accident prevention and ii) the boards of the AIT–FIA and TIS-PT, which is the company coordinating the study referred to above (15) — held on 17 May 2004, helped to clarify and explain various points relevant to this opinion, reflecting the viewpoints of the main stakeholders in civil society.

Various bodies also supplemented their statements by sending in responses to the questionnaire which they had received on the subject.

5.2 Taken together, the statements and written contributions show that there is widespread acceptance of the substance and timeliness of the EESC’s initiative to introduce a certain degree of Europe-wide harmonisation of road traffic rules. Also, some parties have been open to the possibility and desirability of gradually aligning systems for a vehicle register and vehicle registration.

5.3 In this connection, the following points were highlighted in particular:

a) the EU framework decision of 8 May 2003 — which covers the cross-border recognition and enforcement of financial penalties for offences against the Highway Code — implies and requires measures to make road traffic rules uniform throughout Europe;

b) at the same time, it is important to bear in mind i) the procedural rules for setting and applying fines and penalties and ii) the legal defence options available in the different Member States;

c) driving rules do in fact vary considerably in key areas in the different Member States, and this entails increased dangers for drivers when driving vehicles outside their home country;

d) the main differences highlighted, in addition to those mentioned in the TIS-PT study, include:

— differences in the legal limits for blood alcohol levels
— speed limits
— traffic signs, traffic police signals and road markings
— penalties for offences and the procedural rules for enforcing them and
— mandatory safety equipment;

e) a step-by-step approach to the process of aligning legislation leading to possible Community-wide harmonisation of traffic rules should be adopted;

f) full harmonisation does not seem to be possible at the moment, except in key, fundamental areas;

g) these areas must include:

— various aspects of road safety
— mandatory equipment for vehicles (e.g. replacement car light bulbs, warning triangles, hands-free mobile phones, airbags, etc)
— road signs and markings
— criteria for awarding driving licences
— standard penalty points on driving licences
— the type of penalties for more serious offences;

h) the model to follow for such a legislative alignment should be the Vienna Convention;

i) prior to any proposal, a cost-benefit study should be carried out along the lines of the ones already used for some transport sectors and road safety initiatives (16);

j) special focus should be on effective enforcement of traffic rules, their monitoring and penalties for offences.

5.4 Some parallel and complementary aspects mentioned for any initiative in these areas include:

a) standardised systems for the automatic payment of motorway and bridge tolls (17);


(15) Cf points 2.4 and 4
b) standardised definitions of vehicle weight and size and the concomitant restrictions;

c) minimum amount of driving instruction for drivers, depending on the type of vehicle involved;

d) that fact that this instruction should cover what to do in the event of an accident, as well as first aid;

e) definition of minimum quality standards for building road infrastructures; and

f) traffic and accident prevention education campaigns at all levels of education and also for adults.

6. Scope of a European highway code

6.1 Following the hearing referred to above, a clear desire was expressed to move towards the harmonisation of road rules, not however limited to just traffic issues, but also affecting matters such as road infrastructures and road safety.

6.2 Since it was established, the European Union has issued numerous pieces of legislation on road traffic; on driving licences, type-approval of vehicles and their components, rules applying to transport, motor insurance, etc. What is at stake here is the establishment of traffic rules, with a view to harmonising these rules; this could help further other areas of interests, such as road safety which is affected by a driver’s certainty and knowledge regarding what course to adopt in different driving circumstances.

6.3 As already mentioned above, the 1968 Vienna Convention contains the most complete text regarding road traffic; it goes into this matter in the greatest of detail, and — being the one international instrument adopted by most European countries — has the particular feature of requiring the signatory states to bring their national laws into line with the Convention’s provisions. Given that this is the best known and most widely accepted text amongst the European countries, this convention could serve as a basis for wider discussion on the European Highway Code.

6.4 Thus, the proposal being put forward is to harmonise the traffic rules which form the nucleus of the most modern of the European highway codes — especially, but not exclusively:

a) general rules for driving vehicles: starting up and moving off, putting the car into gear, multiple traffic lanes and parallel lanes, crossroads, junctions, roundabouts, distance between road edge and pavements, speed and distance between vehicles;

b) drivers’ signals;

c) speed when driving (not necessarily the maximum speed limit);

d) general rules for priority at crossroads, junctions and roundabouts and between vehicles;

e) overtaking;

f) changing direction;

g) reversing;

h) U-turns;

i) stopping and parking;

j) capacity and size of vehicles, passenger and goods transport, boarding and alighting of passengers, loading and unloading operations;

k) lights and the use thereof;

l) emergency vehicles and special lanes, e.g. on motorways and similar roads, level crossings and lanes reserved for particular vehicles, whether or not on rails;

m) legal limits for blood alcohol levels and levels of psychotropic substances;

n) use of safety equipment (seat belts, child restraints);

o) mandatory documents;

p) what to do in the event of an accident or breakdown;

q) standardised definition and rules applying to the various users of public roads, in particular motorcycles, quadricycles, tricycles, mopeds, bicycles, roller-skaters and skateboarders and drivers with disabilities;

r) rules for pedestrians and precautions to be taken by drivers;

s) special rules for drivers to observe as regards public transport and special vehicles; and

t) animals on the road.

6.5 Traffic rules must be supplemented and clarified, and any exceptions made clear, using traffic signs to provide a variety of information likely to increase road traffic safety. Thus, road signs should be standardised in terms of shape, content, location and precedence in relation to the traffic rules, ensuring better management as regards their quantity and visibility.
6.6 Road signs are not the only area targeted here. It would also make sense to harmonise traffic police signals, light signals, drivers’ signals and road markings.

6.7 It is an offence not to comply with traffic rules or follow the instructions on road signs; this implies standard rules for monitoring procedures, particularly in detecting speed, blood alcohol levels and psychotropic drug levels. However, prior to this, Member States must agree on what constitutes an offence, so as to avoid a situation where one activity is an offence in one Member State but not in another. Therefore, the definition of offences must be standardised.

6.8 It is consequently important to study and set up simplified mechanisms to promote a uniform interpretation of a European Highway Code, given that procedures relating to traffic offences must be speedy if their standards are to be effective — basically what is needed is a simplified process for questions referred to the Court of Justice for a preliminary ruling.

7. A single vehicle registration number throughout Europe

7.1 Vehicle registration requirements, instruments and procedures also vary considerably across the Member States. The possibility of moving towards a single European vehicle register was also discussed at the hearing, and there was support for this from several quarters.

7.2 In addition, the hearing weighed up the pros and cons of a central European register of vehicle ownership, which could also record other key points relating to the vehicle such as duties, taxes and other associated costs, together with different forms of ownership/use. Highlighted in this connection were the advantages of this kind of solution for intra-Community trade in vehicles, fraud and vehicle theft prevention, and the prosecution of drivers from other Member States who have committed traffic offences.

7.3 The feeling is that conditions are right for moving towards the introduction of a single vehicle register, linked to the vehicles themselves and not the vehicle owners or users. This would make use of experience already acquired with the information system on registration numbers and owner identification for motor insurance (3rd Directive).

7.4 The possibilities would thus be greater for buying, insuring and registering a vehicle in any Member State and this would make a key contribution to boosting cross-border trade in vehicles, people’s mobility, tourism and the development of the single market (18).

7.5 Moreover, a single European vehicle registration system seems to be extremely worthwhile, in addition to the fact that it would be possible to set up without excessively high costs; it would initially involve enormous advantages from the point of view of: determining the holder of the vehicle’s papers (ownership or other legal arrangement); legal certainty in vehicle transactions; theft and fraud prevention; and easier monitoring and penalties for offences committed in any Member State.

8. Legal basis and appropriate Community instrument

8.1 As things stand at present, the EESC feels that the most appropriate legal instrument for launching an initiative of the scale set out here would be a directive for minimum harmonisation.

8.2 The legal basis for adopting such a directive should take into account the impact of the initiative as a means of completing the single market and increasing freedom of movement within the Community for the people in Europe.

9. Conclusions and recommendations

A) A European Highway Code

9.1 The EESC holds the view that a certain degree of harmonisation of legislation on road traffic rules is not only an effective way of speeding up completion of the single market, but also of ensuring the safer movement of cars on the European market.

9.2 Moreover, the EESC feels that such harmonisation may well make a key contribution to boosting road safety and promoting accident prevention, thus securing more consistent freedom of movement for the people of Europe.

9.3 The EESC believes that the conditions are right for launching preparatory work for a Community legislative initiative with the above-mentioned aims, taking into account the various points of view and difficulties set out in this Opinion.

(18) Some members of the study group suggested moving forward now with a system whereby it would be possible to buy and register a vehicle on a trans-national basis, to cover the circumstances of people who, for professional reasons, are in a Member State on a temporary basis or are obliged to visit that country regularly.
9.4 It understands that as matters stand at present, the possibility of using a directive for minimum harmonisation should be considered as a first step towards setting up a European Highway Code, using the Vienna Convention as a model, with a definition of basic traffic rules and signals, drivers’ qualifications and licences, and the nature of offences and the associated penalties.

B) A single Europe-wide vehicle register

9.5 The EESC also thinks that legal certainty in motor vehicle use, because it makes it easier to trace vehicles, will benefit considerably from the creation of a single Europe-wide vehicle register, linked as it would be to the vehicles themselves.

9.6 The EESC also considers that a binding Community instrument could define the basis for setting up a single system for a European vehicle register, strongly based on experience to date in cooperation between the national bodies responsible.

9.7 Consequently, it urges the Commission to start up the studies necessary for analysing the cost/benefit situation regarding the various areas to be harmonised.

C) Conclusion

9.8 It suggests that the Commission use a ‘Green Paper’ to launch a public discussion on the issue, with a view to obtaining the views of as many stakeholders as possible.

9.9 In the meantime, it urges the Commission, for its part, to continue with its current studies with a view to ever-greater harmonization of matters related to driving in general and to the increased safety of cars themselves.

9.10 The EESC would draw Member States’ attention to the need for and timeliness of adopting increasingly stringent measures for cooperation and coordination in matters pertaining to road traffic rules, accident prevention, first aid/initial steps to take in the event of an accident and damage compensation.

9.11 The EESC hopes that the European Parliament will fully support this initiative and urge the Commission and Council to take steps to carry out its objectives.

Brussels, 15 December 2004

The President
of the European Economic and Social Committee
Anne-Marie SIGMUND