



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 20.02.1996
COM(96) 55 final

96/0040 (SYN)

Proposal for a
COUNCIL DIRECTIVE
amending Directive 91/439/EEC on
driving licences

(presented by the Commission)

EXPLANATORY MEMORANDUM

A. PREAMBLE

1. In adopting Directive 80/1263/EEC of 4 December 1980, the Council intended, inter alia, to facilitate the movement of persons travelling within the Community or taking up residence in a Member State other than that in which they had taken a driving test. This being the case the Council decided to produce a Community model for a national driving licence, as described in Annex I to the directive.
2. On 29 July 1991 the Council adopted a second directive on driving licences (Directive 91/439/EEC) which adapts the model produced by Directive 80/1263/EEC in order to take account, in particular, of the harmonization of the categories and subcategories of vehicle and in order to make it easier to understand licences both inside and outside the Community. A particular feature of this revised model was the introduction of a mandatory photograph of the holder and replacement of the wording by codes or pictograms, thus avoiding any need for translations.

The national licences issued from 1 July 1996 will have to conform to this revised model or to the alternative "credit card" type covered by Annex I bis if the latter is introduced as a result of adoption by the Council of proposal for a Directive COM(95)166 final of 10 May 1995.

3. Article 4.1 of Directive 91/439/EEC provides that driving licences shall state the conditions on which the driver is authorized to drive (required to wear spectacles, driving restricted to vehicles with automatic transmissions, modifications to vehicles driven by handicapped persons, duplicate ...). It is necessary to harmonize the codes for this information as part of the reciprocal recognition of licences.
4. A study of the information arising from the practical implementation of Directive 91/439/EEC and from the national systems has enabled a common list of codes and subcodes (numbered from 0 to 99) to be prepared with the assistance of government

experts. The structure proposed provides that the use of the codes shall be mandatory where a Member State issues a licence under those conditions (see Item 3 above); the use of sub-codes will be optional except where the code alone cannot be sufficiently explicit. A simple syntax will enable the licence to be understood quickly where this has to include several codes and/or subcodes. The references to the provisions not covered by Directive 91/439/EEC will be covered by national codes (numbered from 100 onwards), the scope of which will be restricted to the territory of the state having issued the licence.

5. The proposed set of codes deliberately leaves a certain number of codes unused in order subsequently to be able to assign to them supplementary references resulting from technical, medical or administrative changes.

Updating of the Community system of codes will require a committee on adaptation. The committee could also be made responsible for adapting to technical, scientific and medical progress, the annexes to the directive on the Community-model licence, the knowledge, skills and behaviour involved in driving, and the minimum physical and mental capacities required for driving a motor vehicle.

B. AIMS OF THE PROPOSAL FOR A DIRECTIVE

The proposal for a directive is intended to define a harmonized set of codes for the information to be entered on Community-model national driving licences as required by Annexes I and I bis to Directive 91/439/EEC (subject, as regards the latter annex, to the adoption by the Council of proposal for a directive COM(95)166 of 10 May 1995). It is also intended to introduce a committee for the adaptation of the annexes to that same directive in accordance with the procedure 2a provided for in Article 2 of Council Decision 87/373/EEC of 13 July 1987 laying down the procedures for the exercise of implementing powers conferred on the Commission.

C. JUSTIFICATION IN TERMS OF THE PRINCIPLE OF SUBSIDIARITY

- a) What are the aims of this directive with regard to the Community's obligations?**

This directive is aimed at defining a harmonized set of codes for the information to be entered in driving licences to be issued by the Member States in accordance with the provisions of Article 4.1 of Directive 91/439/EEC and Annex[es] I [and I bis]⁽¹⁾ thereto.

The aim is to make it easier to understand and thus reciprocally to recognize licences during intra-Community travel, more especially since Article 1 of Directive 91/439/EEC is devoted to the recognition, without exchange, of licences whose holder has taken up residence in a Member State other than that having issued the licence. The directive thus contributes to the free movement of persons within the Community and to road safety by making it easier to check driving licences, where so required.

- b) Is this action covered solely by Community powers or is it shared with the Member States?**

Shared powers :Article 75(1)(c) of the Treaty.

- c) What is the Community dimension of the problem? (For example number of Member States involved and solutions so far applied?)**

Directive 91/439/EEC, which defines the Community model to which the national driving licences are to conform, applies to all of the Member States.

(1) The terms in the square brackets refer back to Annex Ibis on the assumption that proposal COM(95) 166 final is adopted by the Council.

The harmonized system of codes will also apply to the member countries of the EEA. Member States may adopt a national system of codes (numbered from 100 onwards) in order to give information concerning requirements not covered by Directive 91/439/EEC and whose scope will be limited to the territory of the Member State issuing the licence.

d) What is the most effective solution in view of the means available to the Community and Member States?

The principle of the reciprocal recognition of driving licences within the European Community is based, in particular, on the existence of a Community model enabling licences to be more easily understood and to which the national administrations conform. The replacement of references in eleven different languages by harmonized codes helps towards this and the production of differing codes would impair its benefits.

It is thus justified to draw up a harmonized system of codes the adaptation to technical and scientific progress of which is carried out by a management committee (type IIa) in line with Council Decision 87/373/EEC of 13 July 1987.

e) What is the real added value of this action at Community level and what would be the cost of any failure to act?

Adoption of a harmonized system of codes will make driving licences easier to understand whatever the Member State having issued them, the nationality of the official checking them or the administration managing them.

Where there is failure to act there can be no proper reciprocal recognition of licences to the detriment of the holders of such licences and of cooperation between the competent authorities in the Member States.

- f) What forms of action are open to the Community? Is uniform regulation needed or is a directive setting general targets and relegating implementation to Member-State level sufficient?**

Directive 91/439/EEC defines the specifications which national driving licences are to meet, including the form in which the additional information describing the conditions of validity of licences is to be provided. An amendment to that directive is needed in order to adopt a basic harmonized set of codes for these additional references and their operating principles, while at the same time setting up a committee (procedure 2a) which will then assist the Commission in adapting to technical, scientific and administrative progress and developments.

Publication in the Official Journal will also inform other countries (for example the East European countries) of the meaning of the coded information.

D. CONSISTENCY WITH OTHER COMMUNITY POLICIES OR ACTIVITIES

The action is intended, inter alia, to facilitate the free movement of persons and any residence that they may take up in a Member State other than that having issued their licence. This is especially true as regards handicapped drivers whose licence must state the conditions under which driving is authorized in a clear, precise and summary fashion that respects the individual, thus contributing towards their mobility.

E. CONTENTS OF THE PROPOSAL

Article 1 amends Annex[es] I [and I bis] to Directive 91/439/EEC (which define[s] the Community model[s] for driving licence) by introducing harmonized codes.

Article 2 amends Article 7 of Directive 91/439/EEC by proposing that a committee be set up (procedure 2a) for the adaptation to technical and scientific progress of Annexes I, [I bis,] II and III to Directive 91/439/EEC.

Article 3 aligns the definition of the term "motorcycle" with that of Directive 92/61/EEC on the type approval of two and three-wheel motor vehicles.

Article 4 provides that the harmonized set of codes may be introduced with effect from 1 July 1996, the date of entry into force of Directive 91/439/EEC.

F. ATTRACTIVENESS TO THE EEA

Directive 91/439/EEC applies, in its entirety, to the Member States of the EEA, including the harmonized set of codes for additional information, thus extending the effects and advantages of standardization and facilitating the reciprocal recognition of licences in the EEA.

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THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community and in particular Article 75 thereof,

Having regard to the proposal from the Commission,⁽¹⁾

In cooperation with the European Parliament,⁽²⁾

Having regard to the opinion of the Economic and Social Committee,⁽³⁾

Whereas Council Directive 91/439/EEC⁽⁴⁾ of 29 July 1991 concerning driving licences, as last amended by Council Directive /EC⁽⁵⁾ stipulates that national driving licences shall be issued in accordance with the Community model described in Annex I [or Ibis]⁽⁶⁾ thereto, and that they shall set out the conditions under which the driver is permitted to drive;

Whereas Annex I [and Annex Ibis] provide[s] that these additional, or possibly restrictive, statements shall be made in a coded form;

(1)

(2)

(3)

(4) OJ No L 237, 24.8.1991, p. 1.

(5) Proposal COM(95) 166 final, 10.5.1995.

(6) The terms in the square brackets refer back to Annex Ibis on the assumption that proposal COM(95) 166 final is adopted by the Council.

Whereas the codes applying to the conditions of issue governed by Directive 91/439/EEC are valid throughout the Community;

Whereas, in accordance with the principle of subsidiarity, Community action is needed in order to enable driving licences to be understood and reciprocally to be recognized, and in order to facilitate the free movement of persons by avoiding the practical problems that would face drivers, road hauliers, administrations and inspectors if national coding systems differed from each other;

Whereas provision should be made for a simplified procedure for adapting the technical aspects of the Community codes and all of the provisions of Annexes I, [Ibis,] II and III to Directive 91/439/EEC;

Whereas, in order to meet the concerns with regard to clarity and conformity with Council Directive 92/61/EEC⁽⁷⁾ on the type approval of two- or three-wheel motor vehicles the opportunity offered by this amendment should be taken in order to align the definition of the term "motorcycle" in respect of design speed;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Annex I.2, sixth indent, [and Annex Ibis 2.12] to Directive 91/439/EEC shall be amended as follows:

- codes 01 to 99 = harmonized Community codes

- 01 Eyesight correction
- 02 Hearing aid
- 03 Prosthesis/Orthosis for the locomotive apparatus
- 04 Subject to the possession of a valid medical certificate
- 05 Driving subject to restrictions for medical reasons

⁽⁷⁾ OJ L 225, 10.8.1992, p. 75.

- 10 Modified transmission
- 15 Modified clutch
- 20 Modified braking systems
- 25 Modified accelerator systems
- 30 Modified combined braking and accelerator systems
- 35 Modified control layouts
- 40 Modified steering
- 42 Modified rearview mirror(s)
- 43 Modified driving seat
- 44 Modifications to motorcycles
- 45 Motorcycle combinations only
- 50 Restricted to a specific vehicle/chassis number
- 51 Restricted to a specific vehicle/registration mark
- 55 Combinations of vehicle modifications
- 70 Exchange of licence No ... issued by ...
- 71 Duplicate of licence No ...
- 72 Restricted to category-A vehicles having a maximum cylinder capacity of 125 cm³ and a maximum power of 11 kW (A1)
- 73 Restricted to category-B vehicles of the motor tricycle or quadricycle type (B1)
- 74 Restricted to category-C vehicles, the maximum authorized mass of which does not exceed 7 500 kg (C1)
- 75 Restricted to category-D vehicles with not more than 16 passenger seats, excluding that of the driver (D1)
- 76 Restricted to category-C vehicles of which the maximum authorized mass does not exceed 7 500 kg (C1), attached to a trailer of which the maximum authorized mass exceeds 750 kg, provided that the maximum mass of the vehicle train thus formed does not exceed 12 000 kg and that the maximum authorized mass of the trailer does not exceed the unladen mass of the drawing vehicle (C1+E)
- 77 Restricted to category-D vehicles with not more than 16 passenger seats, excluding that of the driver (D1), attached to a trailer the maximum authorized mass of which exceeds 750 kg, provided that (a) the maximum authorized mass of the resultant vehicle train does not exceed 12 000 kg and that the maximum

authorized mass of the trailer does not exceed the unladen mass of the drawing vehicle and (b) the trailer is not used to carry passengers (D1+E)

78. Restricted to vehicles with an automatic transmission (Annexes II, 8.1.1 Section 2)

If necessary a subdivision of the codes will be defined in line with the provisions of Article 2 of this Directive and more particularly with regard to codes 04, 05, 44 and 55.

Article 2

An item 6 should be added to Article 7 of Directive 91/439/EEC as follows:

In adapting Annexes I, [Ibis], II and III to Directive 91/439/EEC to scientific and technical progress the Commission shall be assisted by a committee comprising representatives of the Member States and chaired by the representative of the Commission. The representative of the Commission shall lay any action to be taken before the committee. That committee shall deliver its opinion on said draft within a period which the Chairman may lay down in the light of the urgency of the matter at issue. That opinion shall be delivered with the majority provided for in Article 148(2) of the Treaty for the adoption of the decisions that the Council is called upon to take on a proposal from the Commission. When votes are taken within the committee the votes of the representatives of the Member States shall be weighted as set out in the Article referred to above. The Chairman shall not vote.

The Commission shall adopt forms of action that apply immediately. However, if these do not conform to the opinion delivered by the committee the Commission shall forthwith inform the Council thereof. Where this is the case:

The Commission may defer implementation of the forms of action adopted by itself for a period of one month at the most, dating from this communication.

The Council, acting on a qualified majority, may take a different decision within the deadline provided for in the previous indent.

Article 3

Article 3, paragraph 3, indent No 3 of Directive 91/439/EEC shall be amended as follows:

- the term "motorcycle" shall refer to all two-wheel vehicles with or without sidecar, fitted with an engine having a cylinder capacity of more than 50 cm³ if of the internal combustion type and/or having a maximum design speed of more than 45 km/h.

Article 4

1. After consulting the Commission Member States shall adopt the laws, regulations or administrative provisions needed in order to implement this Directive with effect from 1 July 1996.
2. When adopted by the Member States these provisions shall contain a reference to this Directive or shall be accompanied by such a reference on their official publication. The procedures applying to that reference shall be laid down by the Member States.

Article 5

This Directive shall take effect on the 20th day following its publication.

Article 6

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

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