

Union-wide effect of certain driving disqualifications

2023/0055(COD) - 01/03/2023 - Legislative proposal

PURPOSE: to establish a clear EU framework for an EU-wide driving disqualification.

PROPOSED ACT: Directive of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: improving road safety is a primary objective of the Union's transport policy. In its EU Road Safety Policy Framework 2021-2030, the Commission recommitted to the ambitious goal to get close to zero deaths and zero serious injuries on Union roads by 2050 (Vision Zero), as well as to the medium-term aim to reduce deaths and serious injuries by 50% by 2030.

To achieve the goal of improving road safety, the EU called for the strengthening of the Union's road safety legal framework, with a particular focus on the need for Member States to cooperate in the matter of driving disqualifications of non-resident drivers.

Under the current legal framework, even when a driver's conduct is extremely serious and should result in a driving disqualification, this can only happen if the driving infraction was committed in the Member State which issued the driving licence. Under current rules, driving disqualification cannot be enforced Union-wide, which leads to relative impunity among road traffic offenders. To prevent this, the proposed Directive aims to establish a system for applying certain driving disqualifications EU-wide when a Member State has imposed one.

Although the share of detected offences with foreign-registered vehicles differs significantly between Member States, on average around 18% of all speeding offences are committed by non-resident drivers. In addition, about 15% of automatically detected offences in the EU are committed by non-resident offenders, some 96% of which are speeding offences.

This proposal forms part of a package that concerns the revision of two other related directives:

- Directive (EU) 2015/413 facilitating [cross-border exchange of information](#) on road-safety-related traffic offences; and
- Directive 2006/126/EC on [driving licences](#).

CONTENT: the Commission proposal seeks to ensure a high level of protection for all road users in the Union. For this purpose, it lays down rules providing for a Union-wide effect of driving disqualifications for major road-safety-related traffic offences committed in a Member State other than the one that issued the driving licence of the person concerned.

The scope of this initiative covers those road traffic offences that most contribute to road traffic accidents and fatalities, namely: **excessive speeding; drink-driving; driving under the influence of drugs and causing death or serious bodily injury as a result of any road safety related traffic offence.**

The proposal:

- establishes the principle that a driving disqualification issued by a Member State to a person who is not a normal resident in that Member State and who holds a driving license issued by another Member State should have Union-wide effect;
- stipulates that the Member State of the offence is required to notify the Member State of issuance of any driving disqualification of a duration of at least one month. The notification should be done by means of a standard certificate, transmitted between the national contact points of the two Member States concerned;
- empowers the Commission to adopt an implementing act to establish the format and content of the standard certificate before the date of transposition of the Directive. The most important elements that the certificate should contain are listed in this provision;
- lays down rules on the languages in which the certificate may be transmitted and specifies that the certificate should be transmitted via RESPER;
- states that the Member State of issuance should take the appropriate measures to ensure that the driving disqualification has Union-wide effect, unless a ground for exemption applies;
- lays down an exhaustive list of grounds of exemptions, on which basis the Member State of issuance must refuse to give Union-wide effect to the disqualification and a list of additional grounds of exemptions on the basis of which it can refuse to give such Union-wide effect. The list includes such grounds of exemption as incompleteness of the certificate; age limit of the person concerned; immunity or privilege; or the fact that the remaining period of driving disqualification is of less than one month;
- establishes that the Member State of issuance must take the measure giving Union-wide effect to the driving disqualification not later than 15 days after the receipt of the certificate;
- imposes a reporting obligation on the Commission towards the European Parliament and the Council, concerning the implementation of the proposed directive, including, in particular, its impact on road safety. The report of the Commission is due five years after the transposition of the proposed directive by the Member States.