Union-wide effect of certain driving disqualifications

2023/0055(COD) - 06/02/2024 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 372 votes to 220, with 43 abstentions, a legislative resolution on the proposal for a Directive of the European Parliament and of the Council on the Union-wide effect of certain driving disqualifications.

Parliament's position adopted at first reading under the ordinary legislative procedure should amend the proposal as follows:

Union-wide effect of driving disqualifications

The amended text stated that Member States should ensure that a driving disqualification issued by a Member State with respect to a person who does or does not normally reside in that Member State or another Member State and who either holds a driving licence issued by another Member State or does not hold a driving licence should have effect across the entire territory of the Union in accordance with this Directive.

Duty to notify a driving disqualification

The Member State of the offence should notify the Member State of issuance no later than **ten working days** following any decision imposing a driving disqualification for a duration of one month or more on a person who does not have its normal residence in the Member State of the offence and who holds a driving licence issued by the Member State of issuance. The Member State of the offence should also notify the person concerned if he or she is not normally resident in the Member State of issuance.

Standard certificate and means of transmission

The certificate should contain the following information: (i) the description of the major road-safety-related traffic offence, of the facts and of the causes leading to the imposition of the driving disqualification; (ii) the name and address of the person concerned and the number of his or her driving licence and national identification documents, whilst other personal information linked to the person's national identity document is to remain confidential; (iii) the right to appeal the decision before the judiciary in accordance with the national legislation of the Member State of the offence.

The national contact points of the Member State of the offence and the Member State of issuance should also use the EU driving licence network (RESPER) for the exchange of the information.

Ensuring the Union-wide effect of driving disqualifications

Where the driving disqualification results in a withdrawal, Members suggested facilitating the exchange of the driver's licence where the country of normal residence differs from the country of issue. The person concerned may recover the driving licence or the right to drive in accordance with the national rules of the Member State of issuance.

The Member State of issuance should aim to ensure that, within the existing legal limits of national rules, the measures taken with regard to driving disqualifications are aligned to the greatest extent possible with the corresponding measures imposed by the Member State of the offence.

Grounds for exemption

The Member State of issuance may decide to apply an exemption where the driving disqualification was imposed only **on grounds of speeding and the speed limits** in force in the Member State of the offence, provided that the speed limit on the road where the speeding took place was clearly demarcated, were exceeded in the case of residential area roads, by less than 30km/h and in the case of non-residential area roads, by less than 50 km/h.

Time-limits

Where it is not possible, in a specific case, to meet the time-limit of 15 working days after the reception of the certificate, the national contact point of the Member State of issuance should inform via RESPER the national contact point of the Member State of the offence no later than ten working days following the expiry of that time-limit, giving the reasons for which it was not possible to meet that time-limit.

Information to be provided by the issuing Member State and the Member State of the offence

The national contact point of the Member State of the offence should inform the national contact point of the Member State of issuance, no later than ten working days following the adoption of any circumstance that affects the decision that imposed the driving disqualification, including any relevant information with regard to any fulfilment that has already taken place in the Member State of the offence of any additional conditions imposed in relation to a driving disqualification.

Obligation to inform the person concerned

Member State of issuance should inform the person concerned no later than **seven working days** following the reception of the notification or the adoption of specific measures. The information to be provided should at least specify: the name, postal address, phone number, internet presence and e-mail contact of the authorities competent for the enforcement of the driving disqualification of both the Member State of issuance and the Member State of the offence.

National Contact Points

Member States should inform the Commission of the national contact points designated for the purposes of this Directive. The Commission should make the information received under the provisions available to all Member States via RESPER, and on the Portal for cross-border exchange of information on road-safety-related traffic offences (CBE Portal) once it becomes operational.

Report

By one year after the date of entry into force of this Directive, Member States should communicate up-to-date information to the Commission on the rules in force concerning the penalties applicable in their legal system for major road-safety-related traffic offences.

By five years after the date of entry into force of this Directive, and every five years thereafter, the Commission should present a report on the implementation of this Directive, including its impact on road safety. The report should include statistics from the Member States on the use of the mechanism, as well as bottlenecks and areas for potential improvement. The report should be accompanied, if necessary, by a legislative proposal to amend this Directive.

By **15 months** following the date of entry into force of this Directive, Member States should communicate to the Commission the text of the main provisions of their national law which they adopt in the field covered by this Directive.