

# Road regulations: driving disqualifications

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In adopting the report by Mrs Viviane REDING (EPP, L) on driving disqualifications, Parliament approved the draft Convention, while amending certain points. In particular it called for: - a deadline of seven working days for the notification by the State of the offence leading to driving disqualification to the State of residence, - the setting of a deadline for selecting the appropriate procedure to be used by the State of residence for dealing with the decision of the State of the offence. The Draft Convention sets three types of procedure for dealing with the decision by the State of residence, namely: 1) recognition of the decision of the State of the infringement as such and its immediate execution in the State of residence, 2) execution of the decision as such via a judicial or administrative decision in the State of residence, 3) taking due note of the decision of the State of the offence by the State of residence and then substituting a new administrative or judicial decision for that decision. For these last two procedures Parliament suggested the setting of a deadline of four weeks after receipt of the notification from the State of the offence. Parliament also considered that the Member States should not be able to alter their initial choice of one of these three procedures unless the new procedure chosen entails simplification (replacement of the third option by the second or the second by the first). In the interest of legal clarity, Parliament also hoped that the Member States would not penalize the driver of a vehicle until a judicial or administrative decision to implement the driving disqualification has been made by the State of residence. Considering that it was legally inconceivable to impose a penalty for which there was no provision in national legislation, Parliament considered that the State of residence must (the draft provides only that it may) refuse to apply the driving disqualification when its legislation does not provide for such a penalty for the acts concerned or if there is a period of limitation for the acts concerned in its national legislation. The refusal must also be compulsory if the person has not had an adequate opportunity to defend himself in the State of the offence, in particular for linguistic reasons.