Driving licences: issue, validity, renewal (repeal. Directive 91/439/EEC). Recast

2003/0252(COD) - 18/09/2006 - Council position

The Council has adopted its common position by qualified majority. The final text reflects the compromise negotiated between the three institutions following extensive negotiations. The UK delegation abstained. On three previous occasions the Council has been unable to find agreement on the proposal and a blocking minority held up finalisation of the common position. Agreement was finally reached at the Transport, Telecommunications and Energy council meeting in March 2005, following a proposed amendment on the renewal of driving licences. Driving licences may now be issued with a validity of up to 15 years. Having found political agreement, the Chairman of the European Parliaments' Committee on Transport and Tourism has informed the Council Presidency, by letter, that he will be making a recommendation to the TRAN Committee, for approval of the common position at second reading.

In essence, the common position retains all of the principle elements proposed by the Commission in its initial proposal. Certain changes have been made in order to make the content of the text both more logical and more reader friendly. Other, more substantive changes have been made that reflect the concerns raised by the European Parliament at first reading (such as the mandatory exchange of all existing driving licences) and concerns raised by Council. As it currently stands, the common position follows the aim of the three institutions to recast the existing Directive and to add the necessary provision needed to meet the requirement of a mobile society in an enlarged EU. As such the common position addresses the following key issues:

The reclassification of vehicle-trailer combinations: For trailer combinations within category B, the Commission proposed to shift all combinations with trailers above 750 kg to category BE. Both Parliament and Council considered this provision too strict, given that a considerable number of "light" camping trailers already surpass such a weight limit due to their interior design. In order to meet road safety concerns it was agreed that a new provision allowing a maximum authorised mass of 4250 kg for vehicle and trailer combinations in category B. In cases where a combination exceeds 3500 kg additional training or the passing of a test of skills will be required. The training and practical test requirements are set down in a new Annex V. In agreeing to this provision, both the Parliament and the Council guarantee that the tractor vehicle remains within the 3500 kg limit and that the existing 4240 kg maximum mass (3500 + 750) is not surpassed.

With regard to category BE, the two co-legislators agreed to allow a maximum authorised mass of 3500 kg for the trailer. Combinations with a towing vehicle in category B and a trailer exceeding 3500 kg can only be driven with a category CIE.

Motorcycles' access regime: In order to find a balance between road safety and the right to mobility, the three institutions reached agreement on the principle of progressive access to motorcycles and on the age of mutual recognition of licences. The three institutions also decided to introduce a special category for moped (category AM), for which a licence can be obtained at the age of 16 years, following completion of a theory test. Member State may impose further requirements.

Further, both the Council and the Parliament agreed to adopt a "staged" approach to accessing motorcycles of higher specifications. The minimum age for motorcycles in category A1 (light motorcycles) is set at 16 years. For category A2 (medium size/weight motorcycles) the age is set at 18 years. The 2 years age difference must also be respected if a Member State decides to grant direct access

to category A1 only at the age of 17 or 18 years. If the applicant has acquired a 2 year experience on category A1 they have to pass a test of skills and behaviour or complete a training course in order to ride a motorcycle in category A2.

The minimum age for category A (heavy motorcycles) is set at 20 years upon condition that the applicant has acquired two years' experience on category A2 and passed a test, or alternatively, has completed some training. For direct access to the most powerful motorcycles, it was agreed that the unique minimum age should be 24 years throughout the Community.

One person one licence: In order to limit fraud, the "one person one licence" approach has been adopted. In addition to the regular renewal of documents a new provision has been introduced which obliges a Member State to refuse a licence where it establishes that the applicant already holds a driving licence. Member States will also be obliged to verify with other Member States that the request for renewal is legitimate – if national authorities have grounds to suspect that the applicant already holds a driving licence. For enhanced communication purposes, a new "Communication network for driving licences" will be created. Minimum standards safeguarding a high level of protection and a provision allowing the Member States to insert a microchip in the licence have been preserved.

Obligatory exchange of all existing driving licences: The common position supports a new Community driving licence model and to the compulsory renewal of documents. At the same time Parliament and Council decided to go one step further and agree to a provision stipulating that all driving licence documents issued before the date of application of the current Directive, and which are still valid, will have to be replaced by the new driving licence model 26 years after the entry into force of this Directive. Thus there will be one single driving licence throughout the EU.

Other issues: A new power/weight ratio not exceeding 0,1 kW/kg for light motorcycles (category A1) has been introduced. This will prevent the construction of extremely light vehicles with high acceleration and top speed possibilities and thereby have a considerable effect on the safety of young or novice motorcycle riders.

New technical characteristics for medium-weight motorcycles: An additional provision for A2 motorcycles, which states that vehicles in this category cannot be deprived from a vehicle of more than double its power, has been introduced.

Introduction of a new driving licence model: Paper driving licences will be phased out. Only plastic card types will be issued following the entry into force of the new legislation.

Minimum requirements for driving examiners: Basic conditions for qualifying as a driving examiner and the setting of minimum standards for their initial qualification and regular training have been introduced.