

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(90) 513 final

Brussels, 4 January 1991

Amendment to the proposal for a

COUNCIL DIRECTIVE

ON THE DRIVING LICENCE

(presented by the Commission pursuant to Article 149(3)
of the EEC-Treaty)

EXPLANATORY MEMORANDUM

1. INTRODUCTION

In January 1989 the Commission presented to the Council a proposal for a second Directive on the driving licence¹ replacing Directive 80/1263/EEC.² The Economic and Social Committee delivered its opinion on 26 April 1989³ and Parliament delivered its opinion on 12 June this year.⁴

In the light of Parliament's opinion and the amendments it accepted the Commission has decided to alter its proposal in accordance with Article 149 of the EEC Treaty.

2. EXAMINATION OF THE AMENDMENTS TO COM(88)705 FINAL OF 13 JANUARY 1989

Article 4

In some Member States, in particular the United Kingdom, holders of a category B licence (vehicles with no more than nine seats and goods vehicles of up to 3.5 tonnes) are authorized to drive minibuses with a maximum of 16 seats. This type of vehicle is widely used for social or charitable purposes. The new proposal harmonizes the exemptions allowed by Directive 80/1263/EEC. This will mean minibuses will be classified under

1 COM(88)705 final, OJ No C 48, 27.2.1989.

2 OJ No L 375, 31.12.1980, p.1.

3 CES 581/89, 28.4.1989

4 PV 16 1, of 12.6.1990.

category D whose requirements are stricter than those for a category B licence (or "ordinary" licence).

A small number of vehicles which are larger than minibuses and are specially fitted out are used for educational and charitable uses.

In both cases these vehicles are used by non-commercial organizations and are driven by volunteer drivers.

Parliament has decided in favour of an exception extending the validity of the B licence to these vehicles.

The Commission is aware of the social implications involved here and has therefore decided to add a new paragraph 8 to Article 4 to introduce such an exemption under certain circumstances.

ANNEX II

Point 2 of Annex II lists a whole series of fields in which applicants must demonstrate some knowledge. Point 2.2 mentions certain mechanical aspects where drivers must be familiar with and "be able to put right" the most common faults. This phrase could be interpreted to mean that drivers themselves have to repair such faults. This requirement is already included as a general and more explicit criterion ("and have them remedied in appropriate fashion") in point 1 (preamble).

Consequently, and in the light of one of the amendments proposed by Parliament, the Commission has decided to delete the phrase in point 2.2 ("and be able to put right").

COMMISSION'S ORIGINAL PROPOSAL

AMENDED PROPOSAL

Articles 1, 2 and 3 are unchanged

Article 4

Article 4

Paragraphs 1, 2, 3, 4, 5, 6 and 7
are unchanged

(New) paragraph 8

Member States may, after consultation with the Commission, allow on their territory vehicles of category D (maximum 16 seats without the driver's seat and maximum mass of 3500 kg excluding any specialized equipment for the carriage of disabled passengers) to be driven by holders over 21 years old of a driving licence of category B which was obtained at least two years before, provided that the vehicles are being used by non-commercial bodies for social purposes and that the driver provides his service as a driver on a voluntary basis.

Member States may, after consultation with the Commission, allow on their territory vehicles of a maximum authorized mass exceeding 3500 kg.

COMMISSION'S ORIGINAL PROPOSAL

AMENDED PROPOSAL

to be driven by holders over 21 years old of a driving licence of category B which was obtained at least two years before, provided that the main purpose of the vehicles is to be used only when stationary as an instructional or recreational area, and that they are being used by non-commercial bodies for social purposes and that vehicles have been modified so that they may not be used either for the transport of more than nine persons or for the transport of any goods other than those strictly necessary for their purposes.

Articles 5. 6. 7. 8. 9
10. 11. 12. 13. 14. 15 and 16
are unchanged

Done at Brussels

For the Council

Annex I unchanged

Annex II

Point 1 unchanged
Points 2 and 2.1 unchanged

COMMISSION'S ORIGINAL PROPOSAL

AMENDED PROPOSAL

Point 2.2

2.2 mechanical aspects with a bearing on road safety; in particular they must be sufficiently familiar with, and be able to put right, the most common faults in the steering system, tyres, lights and direction indicators, reflectors, rear-view mirrors, windscreen washers and wipers, the exhaust system and seat-belts;

Point 2.2

2.2 mechanical aspects with a bearing on road safety; in particular they must be sufficiently familiar with the most common faults in the steering system, tyres, lights and direction indicators, reflectors, rear-view mirrors, windscreen washers and wipers, the exhaust system and seat-belts;

Points 2.3 to 2.14 unchanged

Points 3, 4, 5, 6, 7, 8, 9, 10, 11,
12 and 13 unchanged

Annex III unchanged

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