



COMMISSION OF THE EUROPEAN COMMUNITIES

Brussels, 10.05.1995
COM(95) 166 final

95/0109(SYN)

Proposal for a
COUNCIL DIRECTIVE
amending Directive 91/439/EEC
on driving licences

(presented by the Commission)

EXPLANATORY MEMORANDUM

A. FOREWORD

1. One of the Council's aims in adopting Directive 80/1263/EEC of 4 December 1980 was to facilitate the free movement of people travelling within the Community or taking up residence in a Member State other than the one where they passed their driving test. As part of this move, the Council decided to establish a Community model for national driving licences, as described in Annex I of the directive.

2. On 29 July 1991, the Council adopted a second directive on driving licences (Directive 91/439/EEC), which adapts the model established by Directive 80/1263/EEC to take account in particular of the harmonisation of categories and sub-categories of vehicles and to aid comprehension of driving licences both inside and outside the Community. The revised model introduced in particular a compulsory photograph of the holder and replaced text with codified indications and symbols, thus removing any need for translation.

National licences issued from 1.7.1996 will have to comply with the revised model, which will also be compulsory for EEA (European Economic Area) member countries.

3. However, Finland, Sweden and Norway currently issue plasticised driving licences in identity card format, and do not wish to return to the paper format of the Community model as defined in Directive 91/439/EEC.

The United Kingdom wishes to incorporate the holder's photograph into the licences it issues by means of an efficient production method.

This would require an amendment to Directive 91/439/EEC in order to give Member States the option of issuing a driving licence in an alternative format.

4. In addition, technological developments, particularly in the field of data communication, are likely to open up the prospect of new applications - starting with the use of smart cards or microchip cards - which will pave the way for the efficient production and management of these documents and the information they contain, and for practical advantages for both the authorities and the card holder.

One of the first practical steps in the field of intelligent portable documents could be the introduction of a driver's card which would memorise the activities of professional drivers as part of the application of social legislation on road transport (COM (94) 323 final).

5. A feasibility study and discussions with national experts have shown that an electronic driving licence in credit card format is a forward-looking option which meets the requirements and expectations in terms of format, production, flexibility and functionality for driving licences. Pending the standardisation of certain elements necessary to ensure compatibility and interoperability, the groundwork for progress should be laid by adopting a medium which will be compatible with future developments in information technology.

At all events, any model driving licence must contain all the information necessary for recognition and checking, both within and outside the European Union, without the use of specific technologies or equipment.

B. THE AIMS OF THE PROPOSED DIRECTIVE

The aim of this proposal for a directive is to introduce a new Community model driving licence as an alternative to the model contained in Annex I of Directive 91/439/EEC: a licence in credit card format which fulfils the requirements of the issuing States, those who check the licence and the holder, while complying with the aims of mutual recognition and paving the way for technological progress.

The adoption of this proposed directive with effect from 1.7.1996 would enable the Member States (and the EEA countries) to move directly from the current model, as set out in Directive 80/1263/EEC, to the new "credit card" model.

C. JUSTIFICATION WITH REGARD TO THE PRINCIPLE OF SUBSIDIARITY

a) What are the aims of the directive in relation to Community obligations?

The aim of the directive is to define a Community model for national driving licences which would facilitate comprehension and therefore recognition of driving licences throughout the Community, particularly since Article 1 of Directive 91/439/EEC established the principle of recognition of driving licences without requiring them to be exchanged where the holder takes up residence in the territory of a Member State other than that which issued the licence.

The directive would help in ensuring the free movement of people in the European Union and aid road safety by facilitating checks on driving licences where necessary.

b) Is the Community alone competent for this measure, or is this competence shared with the Member States?

Shared competence: Article 75, paragraph 1c of the Treaty.

- c) What is the Community dimension of the problem (e.g. number of Member States involved and existing solutions)?

Directive 91/439/EEC defining the Community model to which national driving licences must conform applies to all the Member States. The new annex gives Member States a choice of two models, depending on their particular needs, and ensures recognition by the other Member States.

These provisions will also apply to the EEA member countries.

- d) What is the most effective solution given the means the Community and the Member States have at their disposal?

The principle of mutual recognition of driving licences in the European Community is based *inter alia* on the existence of a Community model which can be easily understood, to which the national administrations conform; the development of disparate national models would compromise this fundamental objective.

The definition and adoption of a common model is therefore justified.

- e) What is the real value added of this measure at Community level, and what would be the cost of not taking this action?

The adoption of a new Community model offers a solution to the problems which issuing licences based on the paper model, meeting the requirements of the other Member States which need to check them, and guaranteeing the holders recognition throughout the European Union presents for certain Member States.

Moreover, the new model opens up the prospect of new applications (see Article 2).

Not taking any action would leave the technical problems encountered by certain Member States with no satisfactory solution, and would bar the way to technological development and progress in terms of flexibility, security, checks and management of driving licences.

- f) What methods does the Community have at its disposal?
Is uniform regulation necessary, or would a directive setting out general objectives and leaving implementation to the Member States be sufficient?

Directive 91/439/EEC sets out specifications for national driving licences. Only an amendment of this directive can enable an alternative model guaranteeing holders subsequent recognition within the European Economic Area to be introduced. Publication in the Official Journal also informs other countries (e.g. eastern European countries) of the new model in force; furthermore, some of these countries are prepared to adopt the same basic model at national level, thus broadening the impact and benefits of standardisation.

D. CONSISTENCY WITH OTHER COMMUNITY POLICIES AND MEASURES

The measure is intended, *inter alia*, to prepare the ground for compatibility and interoperability with the card in prospect for professional drivers, as specified in the Proposal for a Council Regulation amending Council Regulation (EEC) No. 3821/85 and Council Directive (EEC) 88/599 on recording equipment in road transport. More broadly, it is in line with the work undertaken as part of technological progress on data communication applications (Council Resolution 94/C 309/01 of 24 October 1994 on telematics in the transport sector).

E. CONTENT OF THE PROPOSAL

Article 1 introduces Annex Ia (credit card format Community model driving licence) as an alternative to the paper model proposed in Annex I of Directive 91/439/EEC.

Article 2 anticipates that the new model could be introduced from 1.7.1996, the date of entry into force of Directive 91/439/EEC.

Annex I bis defines the alternative Community model driving licence.

F. EEA IMPLICATIONS

Directive 91/439/EEC applies in its entirety in the EEA member countries. However, a temporary exemption was granted to the EEA States with regard to the Community model given in Annex I of Directive 91/439/EEC, pending adoption of the alternative credit card format model described in this directive.

Draft Proposal for a
Council Directive
amending Directive 91/439/EEC
on driving licences

THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty establishing the European Community, and in particular Article 75 thereof,

Having regard to the proposal from the Commission¹,

In cooperation with the European Parliament²,

Having regard to the opinion of the Economic and Social Committee³,

Whereas Council Directive 91/439/EEC⁴ of 29 July 1991 on driving licences, as last amended by Council Directive 94/72/EC⁵, provides that national driving licences are issued in accordance with the Community model described in its Annex I ;

Whereas it is desirable to introduce an alternative model driving licence which can use modern management technologies and offer a potential for increased flexibility of use, increase of the security of and reduction of the risk of forgery of driving licences ;

Whereas the design of the new model driving licence should incorporate a space for the possible introduction of a microchip ;

Whereas to assure compatibility and interoperability throughout the European Union it is desirable to define common specifications and standards before such microchips are introduced separately by individual Member States ;

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⁴ OJ No L 237, 24.8.1991, p. 1.

⁵ OJ No L 337, 24.12.1994, p. 86.

Whereas in this context the introduction in the future of a driver's card for professional drivers in accordance with the provisions laid down in Council Regulation (EEC) No 3821/85⁶ of 20 December 1985 on recording equipment in road transport should be taken into account ;

Whereas, with regard to the technical specifications of the model driving licence model, this Directive applies the "new approach" to technical harmonised standards by establishing a general framework for the specifications leaving detailed requirements to industrial standardisation procedures ;

HAS ADOPTED THIS DIRECTIVE:

Article 1

Directive 91/439/EEC is hereby amended as follows :

1. Article 1(1) and Article 2(3) are amended by adding "or I a" after "Annex I".
2. A new annex, Annex I a, as defined in the annex of the present Directive, is added.

Article 2

1. After consulting the Commission, Member States shall adopt the laws, regulations or administrative provisions necessary to comply with this Directive as of 1 July 1996.
2. When Member States adopt these measures, they shall contain a reference to this Directive or shall be accompanied by such reference on the occasion of their official publication. The methods of making such a reference shall be laid down by the Member States.

⁶ O.J. No L 370, 31.12.1985, p. 8.

Article 3

This Directive shall enter into force on the 20th day after its publication.

Article 4

This Directive is addressed to the Member States.

Done at Brussels,

For the Council
The President

"ANNEX I a"
to Directive 91/439/EEC

PROVISIONS CONCERNING THE COMMUNITY MODEL
DRIVING LICENCE
(Alternative to the model of Annex I)

1. The Community model driving licence shall have the following characteristics :

- physical characteristics of the card in accordance with ISO 7810 and ISO 7816-1
- dimensions and location of the contacts in accordance with ISO 7816-2
- electronic signals and transmission protocols in accordance with ISO 7816-3
- interindustry commands for interchange in accordance with ISO 7816-4 (draft)

Methods for testing the characteristics of driving licences for the purpose of confirming their compliance with the international standards shall be in accordance with ISO 10373.

2. The licence shall have two sides

Page 1 shall contain:

- a) The words "Driving Licence" printed in large type in the language or languages of the Member State issuing the licence.
- b) The name of the Member State issuing the licence (optional).
- c) The distinguishing sign of the Member State issuing the licence, printed in negative in a blue rectangle and encircled by twelve yellow stars ; the distinguishing signs shall be as follows :

B	: Belgium	I	: Italy
DK	: Denmark	L	: Luxembourg
D	: Germany	NL	: The Netherlands
GR	: Greece	A	: Austria
E	: Spain	P	: Portugal
F	: France	FIN	: Finland
IRL	: Ireland	S	: Sweden
		UK	: The United Kingdom

- d) Information specific to the licence issued shall be printed as follows:
1. surname of the holder ;
 2. other name(s) of the holder ;
 3. date and place of birth ;
 4. a. date of issue of the licence
b. date of expiry of the licence
c. the name of the issuing authority (may be printed on page 2) ;
 5. number of the licence ;
 6. photograph of the holder ;
 7. signature of the holder ;
 - (8.) permanent place of residence, or postal address (optional) ;
 9. (sub)category(ies) of vehicle(s) the holder is entitled to drive (national categories shall be printed in a different type from harmonized categories);
- e) The words "European Communities model" in the language(s) of the Member State issuing the licence and the words "Driving Licence", in the other languages of the European Community shall be printed in pink to form the background of the licence.

Permiso de Conducción
Kørekort
Führerschein
Άδεια Οδήγησης
Driving Licence
Ajokortti
Permis de Conduire
Ceadúnas Tiomána
Patente di guida
Rijbewijs
Carta de Condução
Körkort

- f) Colour references :
- blue : pantone reflex blue C
 - yellow : pantone yellow 2
- Additional colours and/or security features may be added after consultation with the Commission.

Page 2 shall contain:

- a) **9.** (sub) category(ies) of vehicle(s) the holder is entitled to drive (national categories shall be printed in another character type than harmonized categories) ;
- 10.** date of first issue of each (sub)category (this date must be repeated on the new licence in the event of subsequent replacement or exchange)
- 11.** date of expiry of each (sub)category
- 12.** additional information/restriction(s), in code form, facing the (sub)category affected.

The codes shall be as follows :

- codes 1-99 : harmonized Community codes
- codes 100 and above : national codes valid only for driving in the territory of the State which issued the licence.

Where a code applies to all (sub)categories issued it may be printed under columns 9, 10 and 11.

- b) An explanation of the numbered entries which appear on page 1 of the licence (at least entries 1, 2, 3, 4, 5, 10, 11, 12).

If a Member State wishes to make the entries in a national language other than one of the following languages : Danish, Dutch, English, Finish, French, German, Greek, Italian, Portuguese, Spanish, Swedish, it will draw up a bilingual version of the licence using one of the aforementioned languages, without prejudice to the other provisions of this Annex.

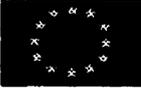
- c) A microchip (optional).
Apart from the provisions laid down in point 1 of this Annex, the specifications relating to the microchip shall be specified later.
- d) After consultation with the Commission, additional colours or markings (e.g. bar codes, national symbols, security features, etc.) may be added, without prejudice to the other provisions of this Annex.

3. Special provisions

- a) The model licence of this Annex shall be valid for a maximum of 10 years.
- b) Where the driving licence card is equipped with a microchip, the holder shall have access to the information in its memory.

COMMUNITY MODEL DRIVING LICENCE

PAGE 1

DRIVING LICENCE		MEMBER STATE	
1.			
2.			
3.			
4a.	4c.		6. PHOTOGRAPH
4b.			
5.			
7.			
(8.)			
9.			

PAGE 2

 <p>1 Surname 2 Name 3 Date and place of birth 4a License issuing date 4b Administrative expiry date 4c Issuing authority 5 License number 8 Address 9 Category 10 Category issuing date 11 Category expiry date 12 Restrictions</p>	9.	10.	11.	12.
	A1 			
	A 			
	B1 			
	B 			
	C1 			
	C 			
	D1 			
	D 			
	BE 			
	C1E 			
	CE 			
	D1E 			
DE 				

SPECIMEN COMMUNITY MODEL DRIVING LICENCE: BELGIAN LICENCE
(for information)

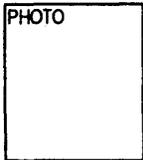
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4b. 30.06.06
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9. A B

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9. A B

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ISSN 0254-1475

COM(95) 166 final

DOCUMENTS

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Catalogue number : CB-CO-95-187-EN-C

ISBN 92-77-88379-0

Office for Official Publications of the European Communities

L-2985 Luxembourg

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