

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(88) 705 final

Brussels, 13 January 1989

Revised version

Proposal for a
COUNCIL DIRECTIVE
on the driving licence

(presented by the Commission)

Explanatory memorandum

A. General points

1. As part of a Community programme of action on road safety the Commission transmitted to the Council in 1972 a proposal for a Directive on the harmonization of the laws relating to vehicle driving licences.¹

Following the opinions delivered by the European Parliament² in 1974 and by the Economic and Social Committee³ in 1973 and to take account, in particular, of the Agreement on Minimum requirements for the Issue and Validity of Driving Permits (APC) of 1 April 1975, as drawn up by the Economic Commission for Europe in Geneva, this proposal was amended in 1976.⁴

The European Parliament and the Economic and Social Committee delivered new opinions on this amended proposal the same year.^{5/6}

2. The Council adopted the proposal at its meeting of 4 December 1980 under the title "First Council Directive of 4 December 1980 on the introduction of a Community driving licence (80/1263/EEC)".⁷

¹OJ No C 119, 16.11.1972, p. 1.
²OJ No C 55, 13.5.1974, p. 4.
³OJ No C 60, 26.7.1973, p. 1.
⁴OJ No C 8, 13.1.1976, p. 1.
⁵OJ No C 238, 11.10.1976, p. 43.
⁶OJ No C 97, 23.8.1976, p. 32.
⁷OJ No L 375, 31.12.1980, p. 1.

This Directive, which was implemented in the main with effect from 1 January 1983, provides in particular that where holders of a driving licence issued in one Member State transfer their normal residence to another Member State, the licence remains valid for a period of one year and must be exchanged for a licence issued in the other Member State before the end of that period. With effect from 1 January 1986 it also introduced a Community model driving licence based on the definition laid down by the Vienna Convention on Road Traffic¹. These principles of mutual recognition and exchange were underpinned by standards for the issue of driving licences: passing of a practical and theoretical test, and meeting of minimum medical requirements, which are taken from the abovementioned APC agreement.

3. Nevertheless, some important differences continue to exist between the national laws regarding vehicle categories, minimum age for the issue of a driving licence and validity, and also learning and training conditions. These differences are to some extent attributable to the possibilities of dispensation offered by the current Directive. Some of these have been lessened by the establishment of equivalences between driving licences where national categories differed, but the fact that these divergent systems continue to exist does not facilitate, for example, the checking of driving licences.
4. These problems were appreciated when the First Directive was adopted since it provided for a second stage to specify the following:
 - categories of vehicles (Article 3)
 - period of validity of driving licences (Article 7)
 - standards for driving tests and licencing (Article 10)

¹Final Act of the Convention on Road Traffic drawn up in Vienna in 1968 by the United Nations Conference on Road Traffic.

5. The Commission work programme for 1985 also stated that the Commission would submit a proposal to ensure the recognition of a driving licence throughout the Community regardless of the Member State in which the holder of the licence is resident. This is part of the "People's Europe" programme proposed by the Commission.
6. It is thus to fulfil these various commitments that the Commission is proposing this Directive, which will replace Directive 80/1263/EEC and facilitate the free movement of individuals while improving road safety.

B. Specific points

1. The points below refer to the numbers of the Articles in the new Directive.

Article 1

The new version involves substantial amendments.

The reference in Article 1(1) of Directive 80/1263/EEC concerning the validity of a driving licence, subject to Article 8 (i.e. the obligation to exchange if the holder of a licence issued by a Member State takes up normal residence in another Member State), is deleted as the proposed new Directive provides for mutual recognition, without any obligation to exchange.

Article 2

This new Article introduces the definition of the term "normal residence" for the purpose of applying Article 8(1)(b) and Article 10.

Article 8(1)(b) provides that a driving licence will only be issued to applicants who have their "normal residence" in the territory of the Member State issuing the licence. Similarly, Article 10 provides that where holders of a valid licence take up normal residence in another Member State, they can request that their driving licence be exchanged.

This definition seeks to resolve the problems arising in connection with the interpretation of the concept of "normal residence" when applying Directive 80/1263/EEC.

Article 4

The term "weight" has been replaced by "mass" so as to comply with Council Directive 80/181/EEC of 20 December 1979.¹

Amendments have been made to the definitions in the first paragraph, as compared with the abovementioned Vienna Convention, in order to erase a number of ambiguities.

Paragraph 3 introduces subcategories into category E arising out of the definition of the latter. It should be stressed that because there is no provision for derogation from these categories and subcategories the current discrepancies will disappear. Three Member States do, in fact, have different categories from those set out in the current Article 3.

Paragraph 4 introduces subcategories to take account of recent developments in Category A, which is divided into two subcategories: (i) up to and including 400 cm³ and (ii) over 400 cm³. An optional subcategory for light motorcycles is also introduced.

Training and access in stages to large-capacity motorcycles should help to reduce the number of accidents, which are often fatal, involving young motorcyclists. At the present time subcategories exist within category A in several Member States and others plan to establish them.

Paragraph 5 introduces optional subcategories to take account of existing situations. A new Article provides for a review of the situation after five years with a view to generalizing or deleting the subcategories. These meet the following objectives:

¹OJ No L 39, 15.2.1980, p. 40.

Category B

A subcategory is provided for quadricycles and tricycles (the latter being transferred from category A to category B). These "mini cars" are being used increasingly, at least in some Member States, and to put them in the category of motorcycles would be highly artificial. Potential drivers of such vehicles, who are often elderly people, should not have to take their test on a normal category B vehicle and certainly not on a motorcycle.

Subcategory C

This subcategory arises from the arrangements in force in some Member States where a driving licence equivalent to the B licence allows vehicles to be driven up to a maximum mass of 7 500 kg. Since this situation has led to the development of a significant number of light goods vehicles, there should be provision for a specific test with the test vehicle having less stringent requirements than those laid down for vehicles in category C as a whole.

Subcategory D

This subcategory would cover minibuses which are found in significant numbers in some Member States.

Subcategories C + E and D + E

These arise out of the subcategories envisaged within subcategories C and D.

Paragraph 5 contains the same definitions as paragraph 4 of Article 3 of Directive 80/1263/EEC with the exception of the definition of motorcycles which is amended to exclude tricycles. A new paragraph defines tricycles and quadricycles.

Paragraph 6 provides for derogation from the speeds indicated for motorcycles, tricycles and quadricycles, which was already provided for by the former Article 9. It tallies with the definitions of the abovementioned Vienna Convention.

Article 5

This Article covers driving licences issued to physically handicapped persons.

The first paragraph reflects the provisions set out in Annex III to Directive 80/1263/EEC.

The second paragraph provides for the possibility for such applicants to take a practical test on a vehicle adapted to the needs of their condition, the driving licence, however, being only valid for vehicles adapted accordingly.

The second paragraph of Article 4 of Directive 80/1263/EEC is not retained.

Article 6

Paragraph 1

Subparagraph (a) limits the issue of C and D driving licences to holders of a B licence. This provision, which already exists in several Member States, also corresponds with the ECE (UN) approach.

Paragraph 2

Subparagraph (a) provides for the validity for subcategory B + E of driving licences issued for subcategories C + E since it is necessary to be the holder of a B licence to obtain C and D licences.

Subparagraph (b) provides for the validity of C + E licences for subcategory D + E where the holder has a D licence. The qualifications for subcategory C + E and category D can be extended without a test to subcategory D + E, without running any risk.

Paragraph 3

The validities provided for apply only at national level; they currently exist in two Member States. In principle they cannot be transferred to a driving licence that has been exchanged if the Member State in question does not practice this type of validity. A Member State can also prohibit the driving of all vehicles on its territory if the driver has not passed the appropriate test.

Article 7

The option granted to each Member State under Article 5 of Directive 80/1263/EEC of fixing the minimum age at which driving licences may be issued presents certain problems and may in some cases constitute a barrier to the free movement of drivers. It is therefore proposed that the minimum age at which driving licences may be issued be fixed for categories A and B and subcategories B + E, and to refer to the Social Regulation relating to road transport¹ for the other categories and subcategories.

¹Council Regulation (EEC) No 3820/85 of 20 December 1985 on the harmonization of certain social legislation relating to road transport (OJ No L 370, 31.12.1985, p.1).

Article 8

Paragraph 1 is the same as paragraph 1(a) and (b) of Article 6 of Directive 80/1263/EEC.

Paragraph 3 is added to ensure that national legislation must contain provision for the withdrawal of the right to drive in the case of persons who no longer satisfy the knowledge and competence requirements provided for in Annexes II and III. This additional provision is based partly on the aforementioned Vienna Convention and replaces point 27 of Annex III. Paragraphs 4 and 5 take over the amended text of the "Other provisions" in Annex III.

Article 9

This Article corresponds to Article 7 of Directive 80/1263/EEC.

Article 10

Compared with Article 8 of Directive 80/1263/EEC, this Article introduces the principle that there is no longer an obligation to exchange one's licence in the event of changing one's normal residence from one Member State to another. However, holders of a licence issued in one Member State can, if they prefer, exchange their licence against a licence issued in another Member State if they take up normal residence there.

Article 11

This Article retains the possibility of establishing equivalences between driving licences issued for the optional subcategories.

Article 12

This new Article provides for a review, five years after implementation of the Directive, of the situation regarding optional subcategories, as was already mentioned in the comments on Article 3.

Article 13

A transitional period of three years after the date of implementation of the Directive is proposed for continued use of test vehicles in service on that date. This provision does not, of course, concern vehicles corresponding to those defined in Annex II, point 8.1.2.

Article 14

Since the abovementioned Social Regulation relating to road transport is directly applicable in the Member States, provisions relating to the minimum age at which a driving licence may be issued should not be adopted to implement the Directive if the vehicles covered by Article 7(1)(b), (c), (d)(ii) and (iii) of the Directive fall within the scope of the abovementioned regulation.

Article 15

For reasons of clarity and in view of the extent of the proposed amendments, it was felt that Directive 80/1263/EEC should be repealed and replaced by this Directive.

Article 16

No comments.

II. Annex I

The proposed amendments concern the translation of the term "driving licence" in Spanish and Portuguese on the cover page and the amended definitions of the various vehicle categories to bring them in line with Article 3 of the Directive.

The option of deleting the date of issue of the driving licence, as provided for in Annex I to Directive 80/1263/EEC, has been withdrawn.

Annex II

The driving test is part of the process that takes potential drivers of motor vehicles from the training stage to the safe driving stage.

The experts that participated in the drafting of this proposal took the view that training is the most important stage of this process. The test illustrates mainly whether the demands of driving do not exceed the applicant's ability at the wheel and whether he can cope with the demands of traffic and master his reactions.

It is not, however, possible to lay down a single training framework at Community level since some Member States permit driving tests to be taken without passing through the channel of a driving school. Nevertheless, it was felt that there should not be a simple list of test points out of the context of the test, but specific criteria that each driver of a motor vehicle has to satisfy to drive in complete safety. These criteria clearly correspond with the objectives of any training programme for driving, i.e. psychomotor functions and the ability to understand and put this knowledge into practice. The

former are tested during the skills and behaviour test, and the latter during the theoretical test.

The content of the above tests is in line with the minimum requirements laid down in the 1975 APC Agreement and also takes account of certain Community requirements arising out of regulations that have been adopted since that date.

The minimum period for the driving tests has been increased appreciably and differs according to whether it is for categories A and B or the other categories.

The new annex also defines the test vehicles for each of the categories and subcategories. The current Annex II is limited to categories C, D and E. The minimum mass of the test vehicle for category C has been increased to 11 000 kilogrammes. As regards category D, it is proposed that the number of places criterion, which is not representative, be deleted and that the length of the test vehicle be increased from 7 to 9 metres. The speeds that test vehicles can achieve are also established for all the categories.

Annex III

The new Annex III has been drafted with the help of a working party of government experts, most of whom belong to the medical profession.

The substance of the old Annex III has not been fundamentally altered but several points have been reworded.

The wording has been simplified in the case of eyesight, but the requirements are still as stringent as before. In other cases enumerations of illnesses have been deleted as they might appear to be exhaustive. Also, the development of medical science since 1975 (when the old Annex III was compiled) has been taken into account.

However, new requirements have been introduced for medical examinations. Group 1 (Categories A and B) applicants and drivers aged over 75 and Group 2 applicants will have to undergo such periodic examinations as may be prescribed by national laws.

Point 27 and the "Other provisions" of Annex III have been transferred to Article 8 of the Directive.

Proposal for a

COUNCIL DIRECTIVE

on the driving licence

THE COUNCIL OF THE EUROPEAN COMMUNITIES,

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

Having regard to the proposal from the Commission,

Having regard to the opinion of the European Parliament,¹

Having regard to the opinion of the Economic and Social Committee,²

Whereas, for the purposes of the common transport policy, and as a contribution to improving road traffic safety, as well as to facilitate the movement of persons settling in a Member State other than that in which they have passed a driving test, it is desirable that there should be a Community model national driving licence mutually recognized by the Member States without any obligation to exchange licences;

Whereas the first step in this direction was made with the First Council Directive 80/1263/EEC,³ which established a Community model national driving licence, mutual recognition by Member States of national driving licences and the exchange of licences by holders transferring their place of residence or place of employment from one Member State to another; whereas the progress made must be continued;

¹

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³ OJ No L 375, 31.12.1980, p.1.

Whereas the Community model national licence established by Directive 80/1263/EEC should be maintained with the addition of certain linguistic adaptations to take account of the accession of Spain and Portugal;

Whereas, on road safety grounds, the minimum requirements for the issue of a driving licence should be laid down;

Whereas Article 3 of Directive 80/1263/EEC provides that final provisions generalizing in the Community the categories of vehicles mentioned in that Article should be adopted without the possibility of derogation, as should the conditions of validity of driving licences;

Whereas provision should be made for the possibility of subdividing the said categories of vehicles in order to promote, in particular, gradual stages to driving more powerful vehicles;

Whereas specific provisions should be adopted to make it easier for physically handicapped persons to drive vehicles;

Whereas Article 10 of Directive 80/1263/EEC provides for more detailed harmonization of the standards for driving tests and licensing; whereas to this end the knowledge, skills and behaviour connected with driving motor vehicles should be defined and the driving test based on these concepts; whereas the minimum standards of physical and mental fitness for driving such vehicles should be redefined;

Whereas the provisions set out in Article 8 of Directive 80/1263/EEC, and in particular the obligation to exchange driving licences within a period of one year of changing residence, constitute an obstacle to the free movement of persons; whereas this is inadmissible in the light of the progress made towards European integration;

Whereas, in order to facilitate the movement of persons wishing to settle in a Member State other than that in which their driving licence was issued before this Directive took effect, there should be mutual recognition of driving licences by the Member States of residence subject to the conditions of validity laid down by the Member States which issued the licences, and it should be unnecessary to exchange licences,

HAS ADOPTED THIS DIRECTIVE :

Article 1

1. Member States shall introduce a national driving licence based on the Community model as described in Annex I in conformity with the provisions of this Directive.

2. The Community model driving licence within the meaning of this Directive and driving licences issued by the Member States before this Directive took effect shall be mutually recognized by the Member States and the conditions of their validity shall be determined by the State which issued them regardless of the State of residence of the holder of the licence.

Article 2

For the purposes of this Directive, 'normal residence' means the place where a person usually lives, that is for at least 185 days in each calendar year, because of personal and occupational ties, or, in the case of a person with no occupational ties, because of personal ties which show close links between that person and the place where he is living.

However, the normal residence of a person whose occupational ties are in a different place from his personal ties and who consequently lives in turn in different places situated in two or more Member States shall be regarded as being the place of his personal ties, provided that such person returns there regularly. This last condition need not be met where the person is living in a Member State in order to carry out a task of a definite duration. Attendance at a university or school shall not imply transfer of normal residence

Article 3

1. The oval on page 1 of the Community model driving licence shall contain the distinguishing sign of the Member State issuing the licence.
2. Member States shall take the necessary steps to avoid any risk of forgery of driving licences.

Article 4

1. The driving licence provided for in Article 1 shall authorize the driving of vehicles in the following categories .

- Category A : Motorcycles with or without side-car.
- Category B : Motor vehicles with a maximum authorized mass not exceeding 3 500 kg and comprising not more than eight seats in addition to the driver's seat.
- Category C : Motor vehicles other than those in category D and whose maximum authorized mass exceeds 3 500 kg.
- Category D : Motor vehicles used for the carriage of passengers and having more than eight seats in addition to the driver's seat.
- Category E : Combinations of vehicles of which the tractor vehicle is in a category or categories for which the driver is licensed (B, C or D), but which are not themselves in that category or categories.

2. Paragraph 1 may apply to motor vehicles in Categories B, C and D to which a trailer whose maximum authorized mass does not exceed 750 kg is coupled.

3. Within Category E a specific driving licence shall be issued for driving the following vehicle combinations :

Subcategory B + E : Combinations of vehicles where the tractor vehicle is in category B and its trailer has a maximum authorized mass of over 750 kg.

Nevertheless, a Category B licence is sufficient provided that ;

- the maximum authorized mass of the trailer does not exceed the unladen mass of the vehicle;

and

- the maximum authorized mass of the combination of vehicles does not exceed 3 500 kg.

Subcategory C + E : Combinations of vehicles where the tractor vehicle is in Category C and its trailer has a maximum authorized mass of over 750 kg.

Subcategory D + E : Combinations of vehicles where the tractor vehicle is in Category D and its trailer has a maximum authorized mass of over 750 kg.

4. Within Category A a specific driving licence may be issued for driving the following vehicles:

- Motorcycles with a cubic capacity not exceeding 400 cm³ or of a power not exceeding 35 KW.
- Motorcycles with a cubic capacity of over 400 cm³ or of a power of over 35 kW.

Within the subcategory for motorcycles with a cubic capacity not exceeding 400 cm³ a specific licence may be issued for driving light motorcycles with a cubic capacity not exceeding 125 cm³.

5. Within Categories B, C and D and Subcategories C + E and D + E a specific driving licence may be issued for driving the following vehicles:

- Category B : Powered tricycles and quadricycles.
- Category C : Motor vehicles other than those in Category D and whose maximum authorized mass is over 3 500 kg but not more than 7 500 kg.
- Category D : Motor vehicles used for the carriage of passengers and having more than eight seats in addition to the driver's seat but not more than 16 seats in addition to the driver's seat.
- Subcategory
C + E : Combinations of vehicles where the tractor vehicle is in Category C but whose maximum authorized mass does not exceed 7 500 kg and its trailer has a maximum authorized mass of over 750 kg.

- Subcategory

D + E : Combinations of vehicles where the tractor vehicle is in Category D but does not have more than 16 seats in addition to the driver's seat and its trailer has a maximum authorized mass of over 750 kg.

6. For the purposes of this Article :

- "Power-driven vehicle" means any self-propelled vehicle running on a road under its own power, other than a rail-borne vehicle;
- "Motorcycles" means any two-wheeled vehicles with a maximum design speed exceeding 50 km/h or, if it is powered by an internal combustion engine, with a capacity of over 50 cm³; a side-car shall be treated in the same way as such a vehicle;
- "Tricycle" and "quadricycle" mean respectively any three or four-wheeled vehicle in Category B with a maximum design speed of over 50 km/h or, if these vehicles are powered by a spark-ignition internal combustion engine, with a cubic capacity of more than 50 cm³ or any other engine of equivalent power. The unladen mass shall not exceed 500 kg. The unladen mass of electrically-propelled vehicles shall not take account of the battery mass.

Member States may set lesser standards regarding the unladen mass and add others, such as the maximum cubic capacity or power.

- "Motor vehicle" means any power-driven vehicle, other than a motorcycle, which is normally used for carrying persons or goods by road or for drawing, on the road, vehicles used for the carriage of persons or goods. This term shall include trolleybuses, i.e. vehicles connected to an electric conductor and not rail-borne. It shall not include agricultural or forestry tractors.

- "Agricultural or forestry tractor" means any power-driven vehicle running on wheels or tracks, having at least two axles, the principal functioning of which lies in its tractive power, which is specially designed to pull, push, carry or operate certain tools, machines or trailers used in connection with agricultural or forestry operations, and the use of which for carrying persons or goods by road or drawing, on the road, vehicles used for the carriage of persons or goods is only a secondary function.

7. Member States may, after consulting the Commission, derogate, provided that this is mentioned in the driving licence, from the speeds indicated at the second and third indents of paragraph 6, provided that provision is made for lower speeds.

Article 5

1. Driving licences with restrictive conditions may be issued to or renewed for physically handicapped drivers as long as the vehicles they drive are adapted to their needs. Any restriction made in the driving licence shall state the type of modification required to the vehicle, any prosthesis that the driver must wear and, where appropriate, the period of validity.

Where the wearing of corrective lenses or intra-ocular lenses is required for the purpose of driving the vehicle this shall be marked on the driving licence.

2. If, because of a physical handicap, the applicant can only obtain a driving licence for certain types of vehicle or for vehicles adapted to his needs, the driving test provided for in Article 8 shall be taken in such a vehicle. Driving licences issued after passing the test with a specially-adapted vehicle shall be valid only for vehicles that are modified in accordance with the conditions attached to the driving licence.

Article 6

1. The issue of driving licences shall be subject to the following conditions ;

- (a) licences for categories C and D shall be issued only to drivers already entitled to drive vehicles in category B;
- (b) licences for combinations of vehicles in the subcategories of category E shall be issued only to drivers already entitled to drive vehicles in categories B, C or D.

2. The validity of the driving licence provided for in Article 1 shall be determined as follows ;

- (a) licences granted for subcategories C + E or D + E shall be valid for combinations of vehicles in subcategory B + E;
- (b) licences granted for subcategory C + E shall be valid for subcategory D + E as long as their holders are already entitled to drive vehicles in category D.

3. At national level, Member States may recognize the following as valid ;

- (a) licences granted for category A may also be valid for driving tricycles and quadricycles;
- (b) licences granted for categories B, C or D may also be valid for driving light motorcycles. This validity may, however, be limited to vehicles with lesser standards than those provided for by the definition of this subcategory.

Article 7

1. The issue of driving licences shall be subject to the following minimum age conditions:

(a) Category A:

- Motorcycles with a cubic capacity not exceeding 400 cm³ or a power not exceeding 35 kW: applicants must be at least 18 years of age.

Member States may derogate from this provision and issue such licences from the age of 17 years.

- Motorcycles with a cubic capacity of over 400 cm³ or with a power of over 35 kW: applicants must have held a licence to drive vehicles in the subcategory immediately below for two years.

(b) Category B: Applicants must be at least 18 years of age.

Member States may derogate from this provision and issue such licences from the age of 17 years.

(c) Category C : In the case of drivers engaged in the carriage of goods, the minimum age at which driving licences may be issued shall be as laid down in Council Regulation (EEC) No 3820/85¹.

(d) Category D : In the case of drivers engaged in the carriage of passengers, the minimum age at which driving licences may be issued shall be as laid down in Council Regulation (EEC) No 3820/85.

(e) Category E : (i) Subcategory B + E : See category B.
(ii) Subcategory C + E : See category C.
(iii) Subcategory D + E : See category D.

¹OJ No L 370, 31.12.1985, p. 1.

(f) Optional subcategories:

- Light motorcycles with a cubic capacity not exceeding 125 cm³: applicants must be at least 16 years of age.
- Tricycles and quadricycles: applicants must be at least 16 years of age.

2. Member States may refuse to recognize the validity on their territory of driving licences issued to drivers under 18 years of age.

Article 8

1. A driving licence shall, moreover, be issued only to those applicants :

(a) who have passed a skills and behaviour test and a knowledge test and who meet medical standards, the minimum requirements of which may not be less stringent than those set out in Annexes II and III;

(b) who have their normal residence in the territory of the Member State issuing the licence, or can produce evidence that they are studying there.

2. Subject to the assent of the Commission, Member States may apply to the issue of driving licences the provisions of their national rules relating to conditions other than those referred to in paragraph 1, provided that they are objectively justified.

3. National provisions regarding the suspension or withdrawal of the right to make use of a driving licence shall also apply to drivers who no longer satisfy the requirements for the issue or renewal of a driving licence in regard to the knowledge, skill and behaviour connected with the driving of a power-driven vehicle and the state of health of the holder of the driving licence subject, in this case, to an authorized medical opinion.

4. The provisions of Annex III shall not prevent a Member State from providing that a driver who obtained a driving licence before 1 July 1990 under less stringent conditions than those provided for in that Annex may have that licence regularly renewed under the conditions pertaining when he obtained it.

5. Member States may, subject to the assent of the Commission, derogate from the provisions of Annex III where such derogations are compatible with the development of medical science and with the principles laid down in that Annex.

Article 9

Without prejudice to provisions to be adopted by the Council in this regard, each Member State shall retain the right to fix, on the basis of national criteria, the period of validity of the Community driving licences which it issues.

Article 10

1. Where the holder of a valid national driving licence issued by a Member State takes up normal residence in another Member State, he may request that his driving licence be exchanged for an equivalent licence issued by the competent authorities in the Member State in which he has taken up his new residence.

2. It shall be for the Member State effecting the exchange to check, if necessary, whether the licence submitted is in fact still valid. The Member State effecting the exchange shall return the old licence to the authorities of the Member State which issued it.

3. Where a Member State exchanges a licence, issued by a third country, for a Community model driving licence, such exchange shall be recorded in the licence, as shall any subsequent renewal or replacement of that licence. Article 1 (2) shall not apply to such a licence. A Community model driving licence may in any event be issued only if the licence issued by the third country has been surrendered to the competent authorities of the Member State issuing the Community licence.

Article 11

Member States shall establish equivalences insofar as they make use of the optional subcategories set out in Article 4.

Article 12

Five years after implementation of the Directive, the Council, acting on a proposal from the Commission, shall review the national provisions regarding optional subcategories established in accordance with Article 4, with a view to their harmonization or elimination.

Article 13

Vehicles used for the behaviour and skill test, as referred to in Annex II, which entered into service before 1 July 1990 may be used after that date only for a period not exceeding three years if they do not meet the criteria laid down for such vehicles in Annex II, point 8.1.2.

Article 14

1. After consulting the Commission, the Member States shall, at the latest by 31 December 1989, adopt the laws, regulations or administrative provisions necessary for the implementation of this Directive from 1 July 1990.

However, no provisions should be adopted concerning Article 7 (1)(c), (d), (e)(ii) and (iii) of the Directive if the vehicles concerned by that Article fall within the scope of Section II of Regulation (EEC) No 3820/85.

2. The Member States shall assist one another in the implementation of this Directive.

Article 15

First Directive 80/1263/EEC is hereby repealed.

Article 16

This Directive is addressed to the Member States.

Done at Brussels,

For the Council,
The President

ANNEX 1

COMMUNITY MODEL DRIVING LICENCE⁽¹⁾

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222 mm

⁽¹⁾ The comments on the model Community driving licence will be found on page 19 below.
 A specimen Community driving licence (Belgian) appears on page 20 below.

Comments on the model driving licence shown on page 13

1. The colour of the Community driving licence shall be pink.
2. On the cover page:
 - mention of the name of the Member State issuing the licence shall be optional;
 - the distinguishing sign of the Member State issuing the licence shall be entered in the oval;
 - the words 'driving licence' shall be printed in large type in the language or languages of the Member State issuing the licence. They shall appear, after a suitable space, in small type in the other languages of the European Communities;
 - the words 'European Communities model' shall be printed in the language or languages of the Member State issuing the licence.
3. The printed entries on the other pages shall be in the language or languages of the Member State issuing the licence.
4. The page entitled 'Additional information' is designed for details of any restriction or extension of the conditions governing the validity of the licence. This page may also be used for showing the period of validity of the licence where this varies.

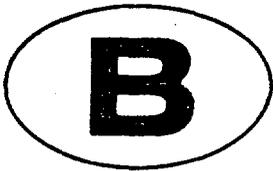
Additional information	
Valid until:	Renewed until:
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5. Other comments may be entered on the remaining blank pages. Where appropriate, Member States may enter on them categories of vehicles not covered by this Directive or may subdivide categories A, B, C, D and E in the corresponding page.
6. Member States shall have the right to:
 - dispense with the photograph requirement;
 - replace the permanent place of residence by the postal address;

SPECIMEN COMMUNITY MODEL LICENCE: BELGIAN LICENCE

(FOR INFORMATION)

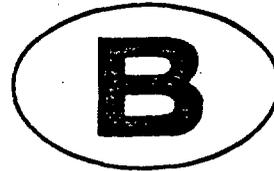
KONINKRIJK BELGIË



RIJBEWIJS

Kørekort
 Führerschein
 Άδεια οδήγησης
 Permiso de Conducción
 Driving Licence
 Permis de Conduire
 Ceadúnas Tiomána
 Patente di Guida
 Carta de Condução
 Model van de
 EUROPESE GEMEENSCHAPPEN

ROYAUME DE BELGIQUE

PERMIS
DE CONDUIRE

Kørekort
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 COMMUNAUTÉS EUROPÉENNES

Annex II

**I. KNOWLEDGE, SKILL AND BEHAVIOUR
FOR DRIVING A MOTOR VEHICLE**

1. Preamble

To drive safely, drivers of all motor vehicles must have the knowledge, skill and behaviour to be able :

- to recognize traffic dangers and to assess their seriousness;
- to have sufficient command of their vehicle not to create dangerous situations and to react appropriately should such situations occur;
- to comply with road traffic regulations, and in particular those intended to prevent road accidents and to maintain the flow of traffic;
- to detect any major technical faults in their vehicles, and in particular those posing a safety hazard, and have them remedied in an appropriate fashion;
- to take account of factors affecting driving behaviour (e.g. alcohol, fatigue, eyesight, etc.) so as to retain full use of the faculties needed to drive safely;
- to help ensure the safety of all road users, and in particular of the weakest and most exposed, by showing due respect for others.

2. Knowledge

Drivers must demonstrate a knowledge and sound understanding of the following fields :

- 2.1 importance of alertness and of attitudes to other road users;
- 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, wind-screen washers and wipers, the exhaust system and seat-belts;
- 2.3 the most important principles concerning braking distances and roadholding under various weather and road conditions;
- 2.4 perception, judgment and decision taking, especially reaction time, as well as changes in driving behaviour due to the influence of alcohol, drugs and medicaments, state of mind and fatigue;
- 2.5 specific risk factors related to the age and lack of experience of other road users, including pedestrians and in particular children, adolescents and elderly people, in order to be able to predict their behaviour in traffic situations;
- 2.6 specific driving characteristics of various types of vehicle and of the different fields of view of their drivers, to be able to predict how the driver will behave or the vehicle move in traffic;

- 2.7 risk factors related to various road conditions, as they change with the weather and the time of day or night;
- 2.8 characteristics of various types of road and of the related statutory requirements;
- 2.9 statutory vehicle safety equipment, and in particular the use of seat-belts wherever statutorily required and child safety equipment;
- 2.10 general rules regarding vehicle use in regard to environment (especially noise and pollution);
- 2.11 road traffic regulations, in particular as regards road signs, signals, rights of way and speed limits;
- 2.12 rules concerning administrative documents required for the use of vehicles;
- 2.13 rules specifying how the driver must behave in the event of an accident (setting warning devices and raising the alarm) and the measures which he can take to assist road accident victims where necessary;
- 2.14 safety factors relating to vehicle loading and persons carried.

3. Skills

The rules set out below apply only to the extent that they are compatible with the characteristics of the vehicle.

3.1 Drivers must be able to prepare for safe driving by :

- 3.1.1 checking the condition of the tyres, lights, reflectors, steering, brakes, direction indicators and audible warning device;

3.1.2 adjusting the seat as necessary to obtain a correct seated position;

3.1.3 adjusting the rear-view mirrors and seat-belts;

3.1.4 checking that the doors are closed.

3.2 Drivers must be able to use the vehicle controls, i.e.:

- steering wheel
- accelerator
- clutch
- gears
- handbrake and footbrake,

under the following conditions :

3.2.1 starting the engine and moving off smoothly (uphill as well as downhill);

3.2.2 accelerating to a suitable speed while maintaining a straight course, including during gear-changes;

3.2.3 adjusting speed to negotiate left or right turns at junctions, possibly in restricted spaces, while maintaining control of the vehicle;

3.2.4 reversing in a straight line and reversing right or left round a corner while keeping within the correct traffic lane;

- 3.2.5 performing a three-point turn (using forward and reverse gears) on a suitably narrow stretch of road;
 - 3.2.6 braking accurately to a stop, if need be by performing an emergency stop;
 - 3.2.7 parking the vehicle and leaving a parking space (parallel, oblique or right-angle) both forwards and in reverse, on the flat, uphill and downhill.
- 3.3 Under the conditions set out in 3.2 drivers must be able to use the secondary controls of the vehicle: windscreen wipers, windscreen washers, demister and air-conditioning, lights, etc.

4. Behaviour

- 4.1 Drivers must be able to perform all the usual manoeuvres in complete safety in normal traffic situations, taking all the necessary precautions :
- 4.1.1 observing (including the use of the rear-view mirrors) road alignment, markings, signs and signals and potential or actual risks;
 - 4.1.2 communicating with other road users using the authorized means;
 - 4.1.3 reacting in actual risk situations;
 - 4.1.4 Complying with road traffic regulations and the instructions of the police, traffic wardens, etc.
 - 4.1.5 showing due respect for other road users.
- 4.2 Drivers must also have the skills needed, in traffic situations :
- 4.2.1 to move off from the kerb and/or a parking space;

- 4.2.2 to drive with the vehicle correctly positioned on the road, adjusting speed to traffic conditions;
- 4.2.3 to keep the right distance between vehicles;
- 4.2.4 to change lanes;
- 4.2.5 to pass parked or stationary vehicles and obstacles;
- 4.2.6 to pass oncoming vehicles, including in confined spaces;
- 4.2.7 to overtake in various situations;
- 4.2.8 to approach and cross level crossings;
- 4.2.9 to approach and cross junctions
- 4.2.10 to turn right and left at junctions or to leave the carriageway;
- 4.2.11 to take the necessary precautions when alighting from the vehicle.

5. Specific requirements for driving Category A, C, D, C+E and D+E vehicles

5.1 Category A

Drivers of Category A vehicles must know how :

- 5.1.1 to adjust their crash-helmet and to check the other safety devices on the vehicle;
- 5.1.2 to remove the motorcycle from its stand and to move it, without the aid of the engine, by walking alongside the vehicle;
- 5.1.3 to park the motorcycle on its stand;
- 5.1.4 to perform a U-turn;

5.1.5 to keep the vehicle balanced at various speeds, including slow speeds, and in different driving situations, also whilst carrying a passenger;

5.1.6 to lean over to turn.

5.2 Categories C, D, C+E and D+E

Drivers of vehicles in these categories must demonstrate a knowledge and sound understanding of the fields set out below:

5.2.1 obstructions to the visibility of the driver and other users caused by the characteristics of their vehicle;

5.2.2 the effect of wind on the course of the vehicle;

5.2.3 rules on vehicle weights and dimensions;

5.2.4 rules on driving hours, rest periods and use of the tachograph;

5.2.5 principles of braking systems and speed governors

5.2.6 precautions to be taken when overtaking because of the danger of splashing spray or mud;

5.2.7 reading a road map.

They must also be capable of :

5.2.8 checking the power-assisted braking and steering systems;

5.2.9 using the various braking systems;

5.2.10 using the speed governor;

5.2.11 adjusting course when turning to allow for the length of vehicle and its overhangs.

5.3 Categories C and C + E

Drivers of vehicles in these categories must:

5.3.1 know the safety factors relating to vehicle loading.

5.4 Category C + E

Drivers of vehicles in this subcategory must be capable of:

5.4.1 coupling and uncoupling the trailer or semi-trailer to and from the tractor.

5.5 Category D

Drivers of vehicles in this category must demonstrate a knowledge of:

5.5.1 the rules concerning persons carried;

5.5.2 how to behave in the event of an accident.

They must also be capable of :

5.5.3 taking special vehicle safety measures.

6. Use of the vehicle

All drivers must be capable of driving their vehicles on various types of roads, both in urban areas and on the open road and in various traffic density conditions, both in daylight and at night.

MINIMUM REQUIREMENTS FOR DRIVING TESTS

The Member States shall take the necessary measures to ensure that applicants for driving a vehicle possess the knowledge and skills and exhibit the behaviour required for driving a motor vehicle.

A test introduced to this effect must consist of:

- a theoretical test
- a test of skills and behaviour

The conditions under which this test shall be conducted are set out below.

7. Theory test

7.1 Form

The form chosen shall be such as to make sure that the applicant has the required knowledge of the subjects listed in paragraphs 2 and 5 in this Annex.

7.2 Content of the test concerning all vehicle categories. The numbers refer to paragraph 2 of this Annex.

7.2.1 Questions must be asked on each of the subjects listed below, the content of the questions being left to the discretion of each Member State.

7.2.1.1 Road traffic regulations
point 2.11.

7.2.1.2 The driver
points 2.1 and 2.4

7.2.1.3 The road
points 2.3, 2.7 and 2.8.

7.2.1.4 Other road users
points 2.5 and 2.6

7.2.1.5 General rules and regulations and other matters
Points 2.12, 2.13 and 2.14

7.2.2 The test provided for in paragraph 7.2.1 above should be completed by a random check on one of the following points: 2.2, 2.9 and 2.10 concerning the vehicle.

7.3 Specific provisions concerning categories C, D, C + E and D + E.

The test provided for in paragraph 7.2 above will be completed for applicants to drive vehicles in categories C, D, C + E and D + E:

7.3.1 by an obligatory check of the following points under paragraph 5 in this Annex.

7.3.1.1 Categories C, D, C + E and D + E

Points 5.2.3, 5.2.4 (except use of the tachograph, which is dealt with in point 9.3.1) and 5.2.5.

7.3.1.2 Category D

Points 5.5.1 and 5.5.2

7.3.2 by a random check of one of the following points:

5.2.1, 5.2.2, and 5.2.6.

8. Test of skills and behaviour

8.1 The vehicle and its equipment

8.1.1 The driving of a vehicle with manual transmission shall be subject to the passing of a skills and behaviour test taken on a vehicle with manual transmission.

If an applicant takes a test on a vehicle with automatic transmission this shall be recorded on any licence issued on the basis of such tests. Licences with this endorsement shall be used only for driving vehicles with automatic transmission.

8.1.2 Vehicles to be used for the skills and behaviour tests

Category A:

- subcategory: motorcycles with a cubic capacity not exceeding 400 cm³ or a power not exceeding 35 kW: motorcycle with a power of at least 20 kW or a cubic capacity of at least 240 cm³ and a mass of at least 120 kg;
- subcategory: motorcycles with a cubic capacity of over 400 cm³ or a power of over 35 kW: motorcycle with a power of at least 600 cm³;
- optional subcategory: light motorcycles: motorcycle with a cubic capacity of at least 80 cm³.

Category B: Four-wheeled Category B vehicle capable of a speed of at least 100 km/h.

Optional subcategory tricycles and quadricycles :

Tricycles or quadricycles capable of a speed of 60 km/h

Category C: Category C vehicles with a maximum authorized mass of at least 11 000 kg and capable of a speed of at least 80 km/h.

Optional subcategory for a limited C licence:

Category C vehicles with a maximum authorized mass of at least 4 000 kg and capable of a speed of 80 km/h.

Category D: Category D vehicles not less than 9 m in length and capable of a speed of 80 km/h.

Optional subcategory for a limited D licence:

Category D vehicles capable of a speed of 80 km/h.

Category E: Mandatory subcategories.

B + E : Combinations of vehicles with a maximum authorized mass of over 3 500 kg comprising a Category B vehicle and a trailer with a maximum authorized mass of at least 1 250 kg and capable of a speed of 100 km/h;

C + E : - articulated vehicles with a maximum authorized mass of at least 21 000 kg and capable of a speed of 80 km/h, or
- combinations of vehicles comprising a Category C vehicle and a trailer with at least two axles, one of which at least must be a steering axle, and a wheelbase of at least 4 m, with a maximum authorized mass of the combination of not less than 21 000 kg and capable of 80 km/h;

D + E : Combinations comprising a Category D test vehicle and a trailer with a maximum authorized mass of not less than 1 250 kg and capable of 80 km/h.

Optional subcategories:

C + E : Combinations of vehicles comprising a Category C vehicle with a maximum authorized mass of not less than 4 000 kg and a trailer with a maximum authorized mass of not less than 2 000 kg. The length of the combination must not be less than 6 m. It must be capable of 80 km/h.

D + E : Combinations of vehicles comprising a Category D test vehicle and a trailer with a maximum authorized mass of not less than 1 250 kg and capable of 80 km/h.

8.2 Skills and behaviour

The rules set out below apply only where they are compatible with the characteristics of the vehicle.

8.2.1 Preparation of the vehicle

Applicants must demonstrate that they are capable of preparing to drive safely by satisfying the following requirements (the references are to paragraph 3.1 in this Annex): Points 3.1.2, 3.1.3 (the point on seat-belts applies only if the law requires one to be worn) and 3.1.4.

8.2.2 Control of the vehicle

Applicants must demonstrate that they are capable of using the vehicle controls by satisfactorily performing the following manoeuvres (the references are to paragraph 3.2 of this Annex):

Points 3.2.1 (starting on the flat and uphill), 3.2.2, 3.2.3 and 3.2.6 (except emergency stops, which are dealt with in point 10.1.1).

A selection of the manoeuvres referred to under points 3.2.4, 3.2.5 and 3.2.7 shall be tested (at least two manoeuvres for the three points, including one in reverse gear). The manoeuvre specified in point 3.2.5 need not be tested for vehicle categories C, D and E. Applicants for a licence in these categories must reverse along a curve, the line of which shall be left to the discretion of the Member States.

8.2.3 Behaviour in traffic

Applicants must perform all the following manoeuvres referred to in paragraph 4 of this Annex in normal traffic situations, in complete safety and taking all necessary precautions:
Points 4.1.1, 4.1.2, 4.1.3, 4.1.4, 4.1.5, 4.2.1, 4.2.2, 4.2.3, 4.2.4, 4.2.5, 4.2.9 and 4.2.10 plus the manoeuvres mentioned in points 4.2.6, 4.2.7 and 4.2.8 if the opportunity is given.

8.3 Specific provisions concerning Categories A,C,D and E.

In addition to the abovementioned manoeuvres, applicants for Category A,C,D and E licences must perform the following manoeuvres (the references are to paragraph 5 in this Annex):

8.3.1 Category A

Points 5.1.2 (removing the motorcycle from its stand and possibly moving it, without the aid of the engine, by walking alongside), 5.1.3 and 5.1.6. If the law requires a crash-helmet to be worn, the adjustment of the helmet shall be checked. A selection of the checks listed under point 5.1.1 shall be tested. The ability to keep balance (point 5.1.5) must be tested at various speeds, including slow speeds, and in different driving situations except the transport of passengers, which is dealt with in point 9.1.2.1.

8.3.2 Categories C, D and E

Points 5.2.8, 5.2.9, 5.2.10 and 5.2.11.

8.3.3 Category D

Point 5.5.3

9. Theory or practical test

9.1 The applicant's skills and behaviour in the areas listed below must be tested either in the theory test or in the practical test, at the discretion of the Member States.

9.1.1 All categories

9.1.1.1 random checks on the condition of the tyres, lights, reflectors, steering, brakes, direction indicators and audible warning device.

9.1.1.2 precautions necessary when alighting from the vehicle.

9.1.2 Category A

9.2.1 keeping balance whilst carrying a passenger.

9.1.3 Categories C, D and E

9.3.1 use of the tachograph

9.1.4 Category C + E

9.1.4.1 attaching and detaching a trailer or semi-trailer to/from its tractor vehicle.

9.1.4.2 safety factors relating to vehicle loading.

9.2 Reading a road map may be tested either in the theory or in the practical test.

10. Optional practical test

The aspects of the applicants' skill and behaviour listed below may also be tested in the course of the practical test.

10.1 All categories

10.1.1 emergency stop.

10.2 Category A

10.2.1 U-turn

11. Marking of the practical test

For each of the abovementioned driving situations, the assessment must reflect the degree of ease with which the applicant handles the vehicle controls and his demonstrated capacity to drive in traffic in complete safety.

The examiner must feel safe throughout the test. Errors or dangerous conduct immediately endangering the safety of the test vehicle, its passengers or other road users shall be penalized by failing the test, whether or not the examiner has to intervene. None the less the examiner shall be free to decide whether or not the practical test should be completed.

12. Length of the test

The length of the test and the distance travelled must be sufficient to assess the skills and behaviour laid down in paragraphs 8 and 9. In no circumstances should the time spent driving on the road be less than 25 minutes for Categories A and B and 45 minutes for the other categories.

13. Location of the test

The part of the test to assess the applicant's control over the vehicle may be conducted on a special testing ground. Wherever possible, the part of the test to assess behaviour in traffic should be conducted on roads outside built-up areas, expressways and motorways, as well as on urban streets which should represent the problems likely to be encountered by drivers.

It is also desirable for the test to take place in various traffic density conditions.

ANNEX III

MINIMUM STANDARDS OF PHYSICAL AND MENTAL FITNESS
FOR DRIVING A MOTOR VEHICLE

DEFINITIONS

1. For the purposes of this Annex, drivers are classified in two groups:
 - 1.1. Group 1: drivers of vehicles of categories A and B and subcategory B + E,
 - 1.2. Group 2: drivers of vehicles of categories C and D and of the other subcategories of category E.
 - 1.3. The national legislation may provide for the provisions set out in this Annex for Group 2 drivers to apply to drivers of category B vehicles using their driving licence for professional purposes (taxis, ambulances, etc.).
2. Similarly, applicants for a first driving licence or for the renewal of a driving licence are classified in the group to which they will belong once the licence has been issued or renewed.

MEDICAL EXAMINATIONS

3. Group 1: applicants shall be required to undergo a medical examination if it becomes apparent, when the necessary formalities are being completed or during the tests which they have to undergo prior to obtaining a driving licence, that they have one or more of the medical disabilities mentioned in this Annex.

Applicants for a first licence and drivers aged over 75 shall undergo such periodic medical examinations as may be prescribed by national laws.

4. Group 2: applicants shall undergo a medical examination before a driving licence is first granted to them and thereafter drivers shall undergo such periodic examinations as may be prescribed by national laws.
5. The standards set by member States for issuing driving licences may be stricter than those set out in this Annex.

SIGHT

6. All applicants for a driving licence should undergo an appropriate investigation to ensure that they have adequate visual acuity for driving motor vehicles. Where there is reason to doubt that the applicant's vision is adequate, he should be examined by a competent medical authority. At this examination attention should be paid to the following in particular : visual acuity, field of vision, twilight vision and progressive eye diseases.

For the purpose of this Annex intra-ocular lenses shall not be considered corrective lenses.

Group 1:

- 6.1. Applicants for a driving licence or for the renewal of such a licence shall have a visual acuity, with corrective lenses if necessary, of at least 0.6 when using both eyes together. Driving licences should not be granted or renewed if, in the event of medical examination, it is shown that the horizontal field of vision is less than 120° or that the person concerned suffers from any other eye condition that would compromise safe driving. Where a progressive eye disease is diagnosed or declared, driving licences may be issued or renewed subject to the applicant undergoing regular examinations by a competent medical authority.

6.2. Applicants for a driving licence or for the renewal of such a licence who have total functional loss of vision in one eye or use only one eye (e.g. in the case of diplopia) must have a visual acuity of at least 0.6, with corrective lenses if necessary. The competent medical authority must certify that this condition of monocular vision has existed sufficiently long to allow adaptation and that the field of vision in this eye is normal.

Group 2:

6.3. Applicants for a driving licence or for the renewal of such a licence must have a visual acuity, with corrective lenses if necessary, of at least 0.8 in the better eye and of at least 0.5 in the worse eye. If corrective lenses are used to attain the values of 0.8 and 0.5, the uncorrected acuity in each eye must reach 0.05 or the minimum acuity (0.8 and 0.5) must be achieved either by correction by means of glasses with a power not exceeding plus or minus 4 dioptries or with the aid of contact lenses (uncorrected vision = 0.05). The correction must be well tolerated. Driving licences shall not be issued to or renewed for applicants or drivers without a normal field of vision or suffering from diplopia.

HEARING

7. Driving licences shall not be issued to or renewed for applicants or drivers in group 2 if their hearing is so deficient that it interferes with the proper discharge of their duties.

PERSONS WITH A LOCOMOTOR DISABILITY

8. Driving licences shall not be issued to or renewed for applicants or drivers suffering from complaints or abnormalities of the locomotor system which make it dangerous to drive a motor vehicle.

Group 1:

- 8.1. Driving licences subject to certain restrictions, if necessary, may be issued to physically handicapped applicants or drivers following the issuing of an opinion by a competent medical authority. This opinion must be based on a medical assessment of the complaint or abnormality in question and, where necessary, on a practical test. It must also indicate what type of modification to the vehicle is required and whether the driver needs to be fitted with an orthopaedic device, in so far as the test of driving ability and behaviour demonstrates that with such a device driving would not be dangerous.
- 8.2. Driving licences may be issued to or renewed for any applicant suffering from a progressive complaint on condition that the disabled person is periodically examined to check that the person is still capable of driving the vehicle completely safely.

Where the handicap is static, driving licences may be issued or renewed without the applicant being subject to regular medical examination.

Group 2:

- 8.3. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

CARDIOVASCULAR DISEASES

9. Any disease capable of exposing an applicant for a first licence or a driver applying for renewal to a sudden failure of the cardiovascular system such that there is a sudden impairment of the cerebral functions constitutes a danger to road safety.

Group 1:

- 9.1. Driving licences shall not be issued to or renewed for applicants or drivers with serious arrhythmias.

- 9.2. Driving licences may be issued to or renewed for applicants or drivers wearing a pacemaker subject to authorized medical opinion and regular medical check-ups.
- 9.3. The question whether to issue or renew a licence for applicants or drivers suffering from abnormal arterial blood pressure shall be assessed with reference to the other results of the examination, any associated complications and the danger they might constitute for road safety.
- 9.4. Generally speaking, a driving licence shall not be issued to or renewed for applicants or drivers suffering from angina during rest or emotion. The issuing or renewal of a driving licence to any applicant or existing licence holder having suffered myocardial infarction shall be subject to authorized medical opinion and, if necessary, regular medical examination.

Group 2:

- 9.5. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

DIABETES MELLITUS

10. Driving licences may be issued to or renewed for applicants or existing licence holders suffering from diabetes mellitus subject to authorized medical opinion and regular medical check-ups appropriate to each case.

Group 2:

- 10.1. Only in very exceptional cases may driving licences be issued to or renewed for applicants or drivers in this group suffering from diabetes mellitus and requiring insulin treatment, and then only where duly justified by authorized medical opinion and subject to regular medical check-ups.

NEUROLOGICAL DISEASES

11. Driving licences shall not be issued to or renewed for applicants or drivers suffering from a serious neurological disease, unless the application is supported by authorized medical opinion.

For example, neurological disturbances associated with diseases or surgical intervention affecting the central or peripheral nervous system, which lead to sensory or motor deficiencies and affect balance and coordination must be taken into account in relation to their effects and the risks of progression. Where necessary, the renewal or grant of the licence may be subject to periodic assessment.

12. Epileptic seizures or other sudden disturbances of the state of consciousness constitute a serious danger to road safety if they occur to a person while driving a motor vehicle.

Group 1:

- 12.1. A licence may be issued or renewed subject to an examination by a competent medical authority and to regular medical check-ups. The authority shall decide on the state of the epilepsy or other disturbances of consciousness, its clinical form and progress (no seizure in the last two years, for example), the treatment received and the results thereof.

Group 2:

- 12.2. Driving licences shall not be issued to or renewed for applicants or drivers suffering or liable to suffer from epileptic seizures or other sudden disturbances of the state of consciousness.

MENTAL DISORDERS

Group 1:

13.1. Driving licences shall not be issued to or renewed for applicants or drivers who:

- suffer from severe mental disturbance, whether congenital or due to disease, trauma or neurosurgical operations;
- suffer from severe mental retardation;
- suffer from severe behavioural problems due to ageing or from personality defects leading to impaired judgment or adaptability,

unless their application is supported by authorized medical opinion and, if necessary, subject to regular medical check-ups.

Group 2:

13.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

ALCOHOL

14. Alcohol consumption constitutes a major danger to road safety. In view of the scale of the problem the medical profession must be very vigilant.

Group 1:

14.1. Driving licences shall not be issued to or renewed for applicants or drivers who are dependent on alcohol or unable to refrain from drinking and driving.

After a proven period of abstinence and subject to authorized medical opinion and regular medical check-ups, driving licences may be issued to or renewed for applicants or drivers who have in the past been dependent on alcohol.

Group 2:

- 14.4. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

DRUGS, CHEMICALS AND MEDICAMENTS

15. Drug abuse:

Driving licences shall not be issued to or renewed for applicants or drivers who are dependent on psychotropic substances, whatever category of licence is requested.

Regular use:

Group 1:

- 15.1. Driving licences shall not be issued to or renewed for applicants or drivers who regularly use psychotropic substances, in whatever form, which can hamper the ability to drive safely where such large quantities are absorbed that they are likely to have an adverse effect on driving. This shall apply to all other medicaments or combinations of medicaments which can hamper the ability to drive safely.

Group 2:

- 15.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.

RENAL DISORDERS

Group 1:

- 16.1. Driving licences may be issued to or renewed for applicants and drivers suffering from serious renal insufficiency subject to authorized medical opinion and regular medical check-ups.

Group 2:

- 16.2. Save in exceptional cases supported by authorized medical opinion, and subject to regular medical check-ups, driving licences shall not be issued to or renewed for applicants or drivers suffering from serious and irreversible renal deficiency.

MISCELLANEOUS PROVISIONS

Group 1:

- 17.1. Subject to authorized medical opinion and, if necessary, regular medical check-ups, driving licences may be issued to or renewed for applicants or drivers who have had an organ transplant or an artificial implant which affects the ability to drive.

Group 2:

- 17.2. The competent medical authority shall give due consideration to the additional risks and dangers involved in the driving of vehicles covered by the definition of this group.
18. As a general rule, where applicants or drivers suffer from any disorder which is not mentioned in the preceding paragraphs but is liable to be, or to result in, a functional incapacity affecting safety at the wheel, driving licences shall not be issued or renewed unless the application is supported by authorized medical opinion and, if necessary, subject to regular medical check-ups.

FICHE DE COMMUNICATION

COMMUNICATION DE LA COMMISSION AU CONSEIL

"Proposition de directive relative au permis de conduire"1. Personnes ou groupes de personnes concernés

Tous les titulaires d'un permis de conduire et les candidats à la délivrance d'un permis.

Les administrations nationales à cause des réformes administratives nécessaires.

Les professionnels chargés de l'apprentissage de la conduite.

2. Préparation de la propositiona) Caractère novateur

Dans le cadre de l'Europe des citoyens, la proposition vise à améliorer la libre circulation des personnes à l'intérieur de la Communauté et leur établissement dans un Etat membre autre que celui dans lequel elles ont passé un examen de conduite. La directive de 1980 ayant instauré le permis de conduire communautaire s'est avérée insuffisante sur ce point, notamment en établissant l'obligation d'échange du permis du titulaire qui acquérait une résidence normale dans un autre Etat membre.

La nouvelle proposition supprime l'obligation d'échange et établit en principe général, la reconnaissance mutuelle des permis de conduire. Elle maintient cependant la faculté d'échange à la demande du titulaire.

En outre, en vue d'une amélioration de la sécurité routière, le programme d'examen n'est plus une simple énumération de matières à retenir. On définit les objectifs à atteindre en matière de formation des conducteurs. C'est en fonction de ces objectifs que l'on fixe le programme d'examen.

b) Consultations effectuées par les services de la Commission

- Organisme privé chargé d'études sur la sécurité routière,
- experts gouvernementaux.

3. Actions d'informations suggérées

Communiqué de presse.

IMPACT ON COMPETITIVENESS AND EMPLOYMENTI. What is the chief justification for the measure?

To increase road safety and to facilitate the freedom of movement for persons in the Member States.

II. Characteristics of the enterprises concerned

1. Enterprises where employees transfer their normal residence to a Member State other than the one which issued their driving licences.
2. Driving schools responsible for teaching applicants for driving licences to drive.
3. Transport companies.

III. What are the obligations imposed directly on enterprises?

Driving schools must base their driving programmes on the objectives set out in the Directive (Annex II).

IV. What obligations may be imposed indirectly on enterprises by the local authorities?

See III. It does not seem in principle that specific obligations can be imposed on enterprises by the local authorities.

V. Do special measures apply for SMEs?

No.

VI. What is the foreseeable effect?

1. All companies whose employees transfer their normal residence to another Member State will find the freedom of movement for their employees within the Community made easier than the present situation by virtue of the elimination of the obligation laid down in Directive 80/1263/EEC to exchange driving licences (see explanatory memorandum relating to Article 10 and first and ninth recitals).

2. In some Member States there will be an increase in the number of applicants for driving lessons due to the extension of the driving programme under Annex II to the Directive, which provides for specific test requirements for each category of vehicle (by way of example, from the entry into force of the Directive, some Member States not requiring certain specific licences for certain categories of vehicle - for motorcycles; C and D for certain types of lorry and bus - will have to introduce them and as a result specific training will be necessary).

This could have positive effects on employment in driving schools in some Member States.

3. As regards transport companies, the impact on competitiveness and employment will be negligible since the proposal for a Directive does not change the existing situation for professional drivers and access to the profession of driver continues to be governed by Council Regulation (EEC) No 3820/85 of 20 December 1985).

The harmonization of vehicle categories established by the proposal for a Directive (by eliminating the possibility of derogation permitted by the existing Directive) and the creation of optional sub-categories, in particular limited C and D licences, will mean a better level of professionalism without changing the level of employment.

VII. Have the two sides of industry been consulted?

No.