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Report

drawn up on behalf of the Committee on Regional Policy, Regional Planning and
Transport

on the amended proposal from the Commission of the European Communities to
the Council (Doc. 465/75) for a Directive on the harmonization of the laws
relating to vehicle driving licences

Rapporteur: Mr Michael HERBERT

PE 43.434/fin.

By letter of 17 December 1975 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the amended proposal from the Commission of the European Communities for a directive on the harmonization of the laws relating to vehicle driving licences.

On 6 January 1976 the President of the European Parliament referred this proposal to the Committee on Regional Policy and Transport as the committee responsible and to the Legal Affairs Committee for its opinion.

On 18 February 1976 the Committee on Regional Policy and Transport appointed Mr Herbert rapporteur.

It considered the draft report at its meeting of 23 June 1976 when the motion for a resolution and the explanatory statement were adopted with three abstentions.

Present: Mr Nyborg, Vice-Chairman; Mr McDonald, Vice-Chairman; Mr Herbert, rapporteur; Mr Albers, Mr Bersani (deputizing for Mr Petre), Mr Fletcher, Mr Gerlach, Mr Hamilton, Mr Houdet, Mrs Kellett-Bowman, Mr Knud Nielsen, Mr Noe, Mr Osborn and Mr Seefeld.

The opinion of the Legal Affairs Committee is attached.

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A

The Committee on Regional Policy and Transport hereby submits to the European Parliament the following Motion for a Resolution, together with explanatory statement:

MOTION FOR A RESOLUTION

embodying the opinion of the European Parliament on the amended proposal from the Commission of the European Communities to the Council for a directive on the harmonization of the laws relating to vehicle driving licences.

The European Parliament,

- having regard to the proposal from the Commission of the European Communities to the Council (COM(75) 534 fin.);
 - having been consulted by the Council pursuant to Article 75 of the EEC Treaty (Doc. 465/75);
 - having regard to the report of the Committee on Regional Policy and Transport and the opinion of the Legal Affairs Committee (Doc.206/76);
 - recalling that the proposal is an amended version of a proposal which it has already considered and given its opinion upon;
 - welcoming the fact that the Council, recognising the importance of the proposed amendments to the original proposal has decided to consult it on the new text;
1. Expresses its satisfaction that the Commission has not only accepted so many of the amendments it proposed to the original proposal, but has also made the new proposal more flexible in its application;
 2. Considers, as regards the categories of vehicles requiring a driving licence, that a driving licence should be required to drive cycles with an auxiliary motor and motor cycles with or without sidecar constructed for a speed not exceeding 45 km/h;
 3. Requests the Commission to incorporate the following amendments in its proposal, pursuant to Article 149, second paragraph, of the EEC Treaty.

Amended proposal for a Council directive on
the harmonization of the laws relating
to vehicle driving licences

Preamble, recitals and articles 1 and 2

unchanged

Article 3

1. The Community driving licence provided for in Article 1 shall authorise the driving on the public highway of vehicles in the following categories ;

Category A : motor cycles with or without side-car.

Category B : motor vehicles, other than those in category A, with a permissible maximum weight not exceeding 3.5 metric tons and not more than eight seats in addition to the driver's seat.

Category C : motor vehicles used for the carriage of goods and whose permissible maximum weight exceeds 3.5 metric tons.

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 drawing vehicle is in a category or categories for which the driver is licensed (B and/or C and/or D) which are not themselves in that category or categories.

Category F1 : engineering plant.

Category F2 : agricultural, forestry and showman's tractors with or without trailer, capable of being driven on a public road.

Category G : vehicles of category A or B specially adapted to take account of the driver's disability.

Article 3

Category A1 : cycles with auxiliary motor, motor cycles with or without side-cars having a maximum design speed not exceeding 45km/h.

Category A2 : motor cycles, being 2 or 2 wheeled vehicles with maximum design speed exceeding 45 km/h and/or maximum permitted weight exceeding 0.25 metric tons and, if equipped with internal combustion engine, with a cubic capacity exceeding 50 cm³.

Category B : motor vehicles, other than those in categories A1 and A2 with a permissible maximum weight not exceeding 3.5 metric tons and not more than eight seats in addition to the driver's seat.

unchanged.

Category G : vehicles of categories A1, A2 or B specially adapted to take account of the driver's disability.

¹For full text see COM(75) 534 fin.

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Category A : motor cycles with or without side-car.

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Category C : motor vehicles used for the carriage of goods and whose permissible maximum weight exceeds 3.5 metric tons.

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 drawing vehicle is in a category or categories for which the driver is licensed (B and/or C and/or D) which are not themselves in that category or categories.

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Category A1 : cycles with auxiliary motor, motor cycles with or without side-cars having a maximum design speed not exceeding 45km/h.

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Category B : motor vehicles, other than those in categories A1 and A2 with a permissible maximum weight not exceeding 3.5 metric tons and not more than eight seats in addition to the driver's seat.

unchanged.

Category G : vehicles of categories A1, A2 or B specially adapted to take account of the driver's disability.

¹For full text see COM(75) 534 fin.

Article 3 (cont'd)

Article 3 (cont'd)

2. (a) For the purpose of applying paragraph 1 hereof, a motor vehicle in category B above may be coupled to a trailer with a permissible maximum weight not exceeding 0.75 metric tons ; such vehicle may also be coupled to a trailer with a permissible maximum weight exceeding 0.75 metric tons, provided that :

unchanged.

- the permissible maximum weight of the trailer does not exceed the unladen weight of the motor vehicle ; and
- the combined permissible maximum weight of the vehicles when coupled does not exceed 3.5 metric tons.

(b) A motor vehicle in category C or D may be coupled to a trailer having a weight not exceeding 0.75 metric tons.

3. For the purposes of this Article : unchanged.

"motor cycle" means any two or three-wheeled vehicle with a maximum design speed exceeding 45 km/h or, if it is powered by a heat engine, with a cylinder capacity exceeding 50 cm³. In addition, in the case of a three-wheeled vehicle, the unladen weight must not exceed 0.4 metric tons ;

"power driven vehicle" means any mechanically self-propelled vehicle circulating on the road, other than a vehicle which runs on rails ;

"motor vehicle" means any power-driven vehicle 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 running on rails. It shall not cover agricultural, forestry or showman's tractors ;

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

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

AMENDED TEXT

Article 3 (cont'd)

4. The Member States shall establish equivalent definitions where their national categories differ from the categories defined in paragraph 1.

Article 3 (cont'd)

unchanged.

Article 4 unchanged

Article 5

The minimum age for the holding of a Community driving licence shall be :

- (a) for category F2 16 years ;
- (b) for categories A, B and G 18 years. The Commission shall carry out a survey before 1 January 1980 into the respective rates of accidents involving 17-year-old and 18-year-old drivers, and shall, if appropriate, propose the amendment of the minimum age laid down for these categories in this Directive ;

- (c) For all other categories 21 years, but without prejudice to Article 5 1) of Council Regulation (EEC) n° 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport.

unchanged.

- (a) for categories A1 and F2 16 years;

- (b) for categories A2, B and G 18 years. The Commission shall carry out a survey before 1 January 1980 into the respective rates of accidents involving 17-year-old and 18-year-old drivers, and shall, if appropriate, propose the amendment of the minimum age laid down for these categories in this Directive ;

unchanged.

Articles 6 to 8 unchanged

Annex

Provision to be made for category A in the section setting out the vehicle categories for which the licence is valid to be divided in categories A1 and A2.

EXPLANATORY STATEMENTI - INTRODUCTORY

1. The question of a "European Driving Licence" is one which has been exhaustively examined not only by the then Transport Committee and by the Committee on Regional Policy and Transport and the Legal Affairs Committee, but also in plenary session. Your Rapporteur does not therefore wish here to re-open the past history, which is described concisely in the Third Report of the Committee on Regional Policy and Transport on the proposal from the Commission of the European Communities to the Council for a directive concerning the harmonization of the laws relating to vehicle driving licences (Doc. 45/74). This Report which contained numerous and important amendments to the Commission's proposal was debated and agreed by the European Parliament on 22 April 1974.¹

2. On that occasion Mr Scarascia Mugnozza, speaking for the Commission, indicated that the Commission were prepared to accept all Parliament's amendments except two, one of which will be discussed in paragraph 8 below.

3. In this report your Rapporteur will try to confine himself, as far as possible, to setting out the essential differences between the amended proposal which is now before Parliament, the original proposal and the proposal as amended by the European Parliament.

II - THE AMENDED PROPOSED DIRECTIVE

4. The Original Proposal. Broadly speaking in its original form the original proposal provided for a Community Driving Licence which was to be issued for various categories of vehicle according to certain detailed criteria. These included age and the passing of various examinations, practical, theoretical, medical and psychological. In addition, provision was made for novice drivers and for successive periodical medical examinations - every five years for persons under the age of fifty, every two years for persons between fifty and sixty-five and every year for persons over sixty-five. Provision was made, for an

¹ O.J. No.175, p.7

interim period, for the reciprocal recognition of existing national licences, though after a certain date all national licences were to be replaced by a Common Driving Licence; after that date new licences would only be issued to those who had passed the proposed new uniform community tests. Thus apart from current national driving licence holders (whose licences would be converted into a European Driving Licence without the need for taking the new test) the new driving licence would become compulsory, rather than optional, and the differing national tests and examinations would be replaced by community examinations.

5. Parliament's Amendments. Following the Third Report of the Committee on Regional Policy, the European Parliament agreed amendments to the original proposal, the effect of which was, inter alia, to alter slightly the various categories of vehicles (see paragraph 8 below), to remove any specific description of the examinations that would be necessary making these the subject of a further proposal from the Commission, to remove any reference to novice drivers and to make the question of successive medical examinations the subject of a further proposal. A number of amendments concerning the suspension of licences were also made, but these are not relevant to the present report.

6. The Commission's amended proposal. The amended proposal which is the subject of this report takes into account virtually all Parliament's amendments, and indeed in one important respect it goes further than Parliament. This is the question of a "two-tier" system, that is to say the possibility of a country continuing with its own arrangements for internal driving, whilst issuing a European Driving Licence for those wishing to drive in other Community countries. This possibility was considered by the Committee on Regional Policy and Transport but was not adopted.

7. The amended proposal now makes provision for the issue of a Community driving licence two years after the proposed Directive has been adopted; such a licence would be obtainable without taking any examination for a period with an ultimate, but undefined, limit (Article 6) by holders of a valid national licence and would be valid throughout the Member States. The only limitation at this stage would be that the age limits provided for in Article 5 would need to be respected which means that drivers of 17 from the United Kingdom and Ireland would have to wait until 18 before they could obtain a European Licence. Such drivers would of course be as free to continue to drive in the other countries of the Community using their national driving licence as they are at present.

8. In one other respect the amended proposal differs from the previous proposal, as amended by the Committee on Regional Policy and Transport. Article 5(b) of the proposed Directive provides a minimum age of 18 for licences in category A, that is to say motor cycles with or without a sidecar. This maintains the position adopted by the Commission in the original proposal where it applied to "motor cycles with or without sidecar having a maximum design speed exceeding 40 km/h". This was the subject of considerable discussion in Committee since it would permit young persons to drive mopeds, that is motorised forms of bicycles, or motor cycles with a design speed of less than 45 km/h or an engine with a cubic capacity not exceeding 50 cm³ without passing any form of examination. The Committee decided that licences should be required for all categories of motor cycle and moped and accordingly amended Article 3(1) of the original proposal by splitting category A into two classes A1 mopeds for which the minimum age would be 16, and A2 for more powerful motor bicycles for which the minimum age would be 18. When the Third Report was considered in plenary session, the Commissioner made it clear that the Commission was not prepared to accept this amendment, though welcomed by the Parliament, and your Rapporteur was not therefore unduly surprised to find that it is not included in the amended proposal.

9. Bearing in mind the advances that have taken place in the design of motor cycles with an engine capacity of 50 cm³ or less, so that a 50cm³ machine can now attain speeds in excess of 60 km/h, the Committee on Regional Policy and Transport, having given further careful consideration to this question, confirm their original opinion that it would be both logical and in the interests of road safety to ensure that all drivers of motorised vehicles should ultimately possess a licence based on examinations, and they therefore have reinstated their previous amendment.

III - CONCLUSIONS

10. Your Rapporteur has already outlined the main differences between the various forms of the proposal over the last four years, and he hopes that in its present form it will prove acceptable and that the Council of Ministers will feel able to adopt it without delay.

11. As now drafted the proposal does not seek to replace the national licencing systems, but it offers an alternative. This alternative is particularly important for the free movement of persons and freedom of establishment in the transport field, since any holder of a Community driving licence will be able to drive, whether in a professional or private

capacity, in any other Community country where he may happen to reside or work without the necessity of taking new national examinations. On the other hand those who do not wish to avail themselves of the European Driving Licence will still be free to drive within the Community (and elsewhere) with their national licence subject to whatever agreements and restrictions are currently in force. In practice this freedom will be most important for holiday-makers and those spending only a limited time in another Member State.

12. In your Rapporteur's opinion the solution now adopted by the Commission reflects credit on the flexible approach they have shown after a rather rigid initial proposal. The present proposal demonstrates the best use of "optional harmonization" since it provides in the European Driving Licence something which will be of great convenience to those who wish or need to avail themselves of it without imposing the same standards (and inconveniences perhaps) on those who do not require it. As now amended your Rapporteur has no hesitation in commending the proposal to Parliament.

OPINION OF THE LEGAL AFFAIRS COMMITTEE

Draftsman: Mr DE KEERSMAEKER

By letter of 17 December 1975 the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the amended proposal from the Commission of the European Communities to the Council for a directive on the harmonisation of the laws relating to motor vehicle driving licences.

On 6 January 1976 the President of the European Parliament referred this proposal to the Committee on Regional Policy, Regional Planning and Transport as the committee responsible and to the Legal Affairs Committee for its opinion.

On 19 January 1976 the Legal Affairs Committee appointed Mr DE KEERSMAEKER draftsman of the opinion.

It considered the draft opinion at its meeting of 25 March 1976 and adopted it unanimously on that date.

The following were present : Sir Derek Walker-Smith, Chairman; Mr de Keersmaeker, Draftsman; Lord Ardwick, Mr Bayerl, Mr de Sanctis, Mrs Ewing, Mr Radoux, Sir Brandon Rhys Williams, Mr Santer, Mr Schmidt, Mr Schwörer, and Mr Shaw.

A. Introduction

1. There is a long history behind the presentation of this amended proposal for a directive. Parliament was requested to deliver an opinion on the original proposal (Doc. 161/72-I) on 11 October 1972 and the Legal Affairs Committee gave its opinion to the then Transport Committee on 23 November 1972 (see Doc. 45/74).

Parliament eventually approved the report of the Committee on Regional Policy and Transport on the proposal for a directive concerning the harmonisation of the laws relating to vehicle driving licences (Doc. 45/74) on 22 April 1974. The report sets out the full history of the proposal, which need not therefore be repeated here.

B. The amended proposal

2. In its report, the Committee on Regional Policy and Transport proposed a number of amendments, some of which were major ones, to the Commission's original proposal. The Legal Affairs Committee is pleased to note that most of these have been accepted by the Commission and incorporated into the amended proposal.

3. The most notable difference between the original and amended proposals is that the former envisaged a system whereby national driving licences would be completely superseded by a Community driving licence. This would, by a certain date, replace all national licences already issued, holders of a valid national licence being automatically entitled to exchange it for a Community one. After that time, new licences would only be issued in conformity with the criteria laid down in the proposal, which were, designedly, of a stringent character. Thus, in the course of time, any person wishing to obtain a licence would be obliged to apply for a Community one, on the basis of a Community test. At that stage, therefore, the Community licence would be compulsory.

4. The amended proposal, however (and here it might be noted that this is not one of the changes proposed by Parliament) provides for a Community licence that will be optional and is aimed to ensure a reciprocal recognition of licences. The Community licence will be introduced two years after the adoption by the Council of the proposed directive. At first such a licence will be obtainable automatically by holders of a valid national licence, provided that they have reached the prescribed age limit of 18 years. It will be valid in all Member States. Within five years of the adoption of the proposed directive, the Council will fix the date beyond which this automatic

procedure will not apply. From that date Community licences will be obtainable only upon taking the various examinations which will be provided for in further directives.

5. The amended proposal also differs from the original one in that it is intended that a number of matters dealt with in detail in the original proposal, such as those relating to examinations, learner and novice drivers, and suspension, withdrawal and restitution of licences will now be the subject of separate directives (Art. 6 of the proposal). This is in accordance with the proposal of the European Parliament that the Commission should consult the appropriate national and international organisations before presenting final proposals on these matters.

C.Observations of the Legal Affairs Committee on the amended proposal

6. There is no need to refer here to those amendments formerly proposed by the Legal Affairs Committee which relate to matters now to be dealt with later by separate directives.

7. Where the present proposal is concerned, the committee considered proposing one amendment. This related to Article 1, where the Commission has not repeated the provision in Article 1 of the former proposal which made irrelevant the country in which the vehicle was registered, as well as the place of residence of the driver, for the holder of a Community driving licence.

As it does not otherwise appear that the field of application of the licence is intended to be narrower, in that respect, than in the original proposal, the committee considered whether the words 'or of the state in which the vehicle concerned is registered' should be added at the end of Article 1.

8. The only other point of detail which the committee raised in relation to the amended proposal relates to Article 6(b), whose meaning is not entirely clear. The Article reads :

'(the Council shall) adopt common provisions laying down the conditions governing the practical and theoretical examination and the criteria of physical fitness provided for in the first indent above and the criteria for medical examinations'.

The reference to both 'the criteria for physical fitness' and 'the criteria for medical examinations' is rather confusing. Presumably the former are the requirements which must be met concerning eyesight etc. and

the latter the provisions for the carrying out of the medical examination which is designed to establish that the requirements have been met. There is, however, no reference to a medical examination in the second sub-paragraph of Article 6(a). If your draftsman has correctly understood the meaning of Article 6(b), he would prefer to see it re-worded so that the meaning is clear.

9. The Commission has offered explanations to the committee of the matters raised in paragraphs 7 and 8 above. With regard to the point raised in paragraph 7, the Commission has preferred to omit any reference to the country of registration because of differences in tax laws applicable to the purchase of motor vehicles in Member States. It was considered that, if the country of registration of the vehicle were made immaterial, residents of a given state might prefer to drive vehicles registered in another state, which could give rise to problems.

With regard to paragraph 8, the explanation is that the last line of Art. 6(b) of the proposal should read '.... and the criteria for periodic medical examinations', the word 'periodic' having been inadvertently omitted.

D. Conclusions

10. The Legal Affairs Committee considers that the Commission has acted wisely in presenting the amended proposal providing for optional harmonisation. It is still a fact, especially in the less accessible countries of the Community, that many motorists seldom, or never, take their cars abroad. It is desirable that there should be a uniform driving licence throughout the Community. However, it must be borne in mind that this proposal, together with the separate directives which are to follow, provides for the issue of such a licence under uniform conditions. These conditions are not those which actually pertain to the issue of national licences in all the Member States, if in any. It therefore seems right that those who do not require a Community licence, as they are not taking their vehicles out of their own country, should still be entitled to comply with existing national conditions relating to the granting of a licence.

11. In view of what has been said in paragraph 9 above, the Legal Affairs Committee approves the proposal, as presented by the Commission.