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THIRD REPORT

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

on the proposal from the Commission of the European Communities to the
Council (Doc. 161/72-I) for a directive concerning the harmonization of the laws
relating to vehicle driving licences

Rapporteur : Mr Michael HERBERT



By letter of 11 October 1972, the President of the Council of the European Communities requested the European Parliament to deliver an opinion on the proposals from the Commission of the European Communities to the Council for:

- I. a directive on the harmonization of the laws relating to vehicle driving licences,
- II. a directive on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers (Doc. 161/72).

On 24 October 1972, the President of the European Parliament referred these proposals to the Transport Committee as the Committee responsible.

The Transport Committee appointed Mr P.B. Cousté rapporteur on 9 October 1972; on 10 April 1973 the newly formed Committee on Regional Policy and Transport replaced him by Mr Raymond Bousquet. It discussed the proposals at its meetings of 24 October 1972 and 10 April 1973.

At its meeting of 10 April 1973, the Committee unanimously adopted the motion for a resolution and the explanatory statement.

The following were present: Mr James Hill, Chairman; Mr Kollwelter and Mr Seefeld, Vice-Chairmen; Mr Bousquet, Rapporteur; Mr Bos (deputizing for Mr Colin), Lord Brecon, Mr Delmotte, Mr Herbert, Mr Johnston, Mr Mitterdorfer, Mr Mursch, Mr Pounder and Mr Schwabe.

The Report was referred back to the Committee by the Parliament on 9th May 1973.

At its meeting of 12 September the Committee appointed Mr A. Jarrot rapporteur in the place of Mr Raymond Bousquet who was no longer a member of the European Parliament, who was subsequently replaced by Mr Herbert.

At its meeting of 22 January 1974, the Committee discussed the Report and agreed, in view of the large number of amendments tabled to the directive on the harmonization of the laws relating to vehicle driving licences that they would first consider the amendments to, and report on, the directive on the approximation of the laws of the Member States relating to roadworthiness tests for motor vehicles and their trailers.

The Committee considered the directive on vehicle driving licences at its meetings of 5/6 March, 19/20 March and 9/10 April 1974.

At its meeting of 10 April 1974, the committee unanimously adopted the motion for a resolution and the explanatory statement.

The following were present: Mr Seefeld and Mr Kollwelter, vice-chairmen, Mr Herbert, rapporteur, Mr Bersani (deputizing for Mr Antoniozzi), Mr Delmotte, Mr Eisma, Mr Fabbrini, Mr Kavanagh, Mr Liogier, Mr Mursch, Mr Nyborg, Mr Pounder, Mr Scholten, Mr Schwabe and Mr Thornley (deputizing for Mr Rizzi).

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 proposals 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 proposals from the Commission of the European Communities to the Council¹;
 - having been consulted by the Council (Doc. 161/72 - I),
 - having regard to the report of the Committee on Regional Policy and Transport (Doc. 45/74);
 - considering that road traffic conditions are becoming increasingly difficult and dangerous;
 - stresses that a safer and more expeditious traffic flow can be achieved by measures covering not simply infrastructure but also especially drivers;
1. Welcomes accordingly the proposed directive from the Commission for the approximation of the laws on vehicle driving licences;
 2. Points out that a uniform procedure for the issue of driving licences will make easier their mutual recognition as well as the free movement of persons and freedom of establishment in the transport sector;
 3. Approves the choice of a standard driving licence in conformity with the model proposed by the International Road Traffic Convention but would like to see the English designation 'driving licence' added to the French 'permis de conduire' on the cover page.

¹ OJ No. C 119, 16 November 1972, p.1

4. Considers, as regards 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.
5. Considers that the licence issued for driving a motor car should not be valid for driving a motor cycle.
6. Considers that the minimum age for obtaining a licence for motor cars and for motor cycles with a maximum design speed exceeding 45 km/h should be 18 except for nationals of Member States which currently have a lower age limit. In the case of such States the present minimum age should continue in force for a period of five years from the coming into effect of this directive. During this period the Commission should carry out a comprehensive survey into the comparative accident rates among drivers of 17 and 18 years of age before coming to a final decision on the minimum age.
7. Considers that authorization to drive agricultural tractors should be given from the age of 16 instead of 21, but that this lower age limit should not be extended to other vehicles classed in the same category 'F' (motor vehicles for public works); suggests therefore that this category should be split;
8. Considers that the precise nature of the practical, theoretical and medical examinations provided for in the proposed directive should only be determined after the Commission has had an opportunity of consulting the appropriate national and international organizations;
9. Invites the Commission when considering the frequency of medical examinations to pay special attention to the requirements for drivers of heavy vehicles and public transport vehicles;
10. Considers that Article 7 of the proposed directive, which relates to novice drivers, should form part of a further directive which would cover both learner and novice drivers;
11. Accordingly considers that as soon as possible, and in any event within one year of the adoption of this directive, the Commission should submit a draft directive to the Council containing common rules to apply to novice drivers and to learner drivers;

12. Notes the Commission's intention to submit proposals to the Council in the near future for uniform rules for assessing offences objectively by means of a scale of numbers relating to their gravity, and for determining the circumstances in which driving licences may be suspended, withdrawn or restored;
13. Considers that uniform rules of this kind will enable Member States to exchange information on the basis of registers of drivers which will help in the campaign against persistent offenders;
14. Considers, as regards the suspension or withdrawal of driving licences, that such suspension should be carried out by the Member State which issued the licence to the person concerned on the request of the Member State in which the offence took place and that the licence holder should be given facilities to make representations in his own Member State before the competent issuing authority.
15. Approves the proposed directive in the realization that while it may be high, the cost involved is still low compared with the increasing cost of traffic accidents, not only in human but also in financial terms;
16. Requests the Commission to endorse the following amendments in accordance with Article 149 of the Treaty establishing the EEC;
17. Instructs its President to forward this resolution and the report of its committee to the Council and Commission of the European Communities.

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

Preamble and recitals unchanged

Article 1

Subject matter, date from which
Directive is to take effect

With effect from 1 January 1974
Member States shall issue driving
licences for motor vehicles in
accordance with the provisions of
this Directive. Any driving
licence so issued shall throughout
the territories of the Member States
entitle the holder to drive, both in
domestic and in international
traffic, vehicles of the categories
for which it has been issued, irre-
spective of where he normally resides
or of the State in which the vehicle
is registered.

Article 1

Subject matter, date from which
Directive is to take effect

1. As soon as possible, and at the
latest one year after this Directive
has been adopted, Member States shall
issue European Community driving
licences for motor vehicles in
accordance with the provisions of this
Directive. Any driving licence so
issued shall throughout the territories
of the Member States entitle the holder
to drive, both in domestic and in
international traffic, vehicles of the
categories for which it has been issued,
irrespective of where he normally
resides or of the State in which the
vehicle is registered.

Article 2 unchanged

¹ For full text see OJ No. C 119, 16 November 1972, p. 1

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

Article 3

Categories of vehicle for which a driving licence is required

1. A driving licence as referred to in Article 1 shall be required to drive the following categories of vehicle on the public highway:

Category A

- motor cycles with or without side-car having a maximum design speed exceeding 40 km/h;

- three-wheeled motor vehicles having an unladen weight not exceeding 400 kg.

Category B:

motor vehicles, other than those in category A, having a permissible maximum weight not exceeding 3,500 kg 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 3,500 kg.

Category D:

motor vehicles used for the carriage of passengers and having more than eight seats in addition to the driver's seat.

AMENDED TEXT

Article 3

Categories of vehicle for which a driving licence is required

1. A driving licence as referred to in Article 1 shall be required to drive the following categories of vehicle on the public highway:

Category A 1: cycles with auxiliary motor, motor cycles with or without side-car having a maximum design speed not exceeding 45 km/h;

Category A 2:

- motorcycles, being 2 or 3 wheeled vehicles with maximum design speed exceeding 45 km/h and maximum permitted weight exceeding 250 kg and, if equipped with internal combustion engine, with a cubic capacity exceeding 50 cm³.

- three-wheeled motor vehicles having an unladen weight not exceeding 400 kg.

unchanged

unchanged

unchanged

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

AMENDED TEXT

Category E:

combinations of vehicles of which the drawing 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.

unchanged

Category F: engineering plant and agricultural tractors, with or without trailer, capable of being driven on the public highway.

Category F 1: engineering plant.

Category F 2: agricultural tractors, with or without trailer, capable of being driven on the public highway.

Category G:

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

unchanged

2. (a) For the purpose of the application of paragraph 1 of this Article, a motor vehicle in category B above may be coupled to a trailer having a permissible maximum weight not exceeding 750 kg; such vehicle may also be coupled to a trailer having a permissible maximum weight exceeding 750 kg, on condition that the following two requirements are met:
- the permissible maximum weight of the trailer must not exceed the unladen weight of the motor vehicle; and
 - the combined permissible maximum weight of the vehicles coupled must not exceed 3,500 kg.

2. (a) unchanged

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

AMENDED TEXT

(b) A motor vehicle in Category C or D may be coupled to a trailer having a weight not exceeding 750 kg.

(b) unchanged

(c) Driving licences for vehicles of category E may be issued only to drivers already licensed for one of the categories B, C and D.

(c) unchanged

Article 4

Validity

Driving licences shall be valid as follows:

(a) Licences valid for any of categories B, C and D shall also be valid for vehicles of all categories which, in the list set out in Article 3, precede the category for which the licence is valid.

(b) Licences valid for category E shall, without prejudice to the provisions of Article 3(2)(c), be valid for combinations of vehicles.

(c) Licences valid for category F shall be valid for vehicles in that category

(d) Licences valid for category G shall be valid for vehicles in category A or B specially adapted to take account of the driver's disability. The registration number of such a vehicle must be entered on the licence.

Article 4

Validity

Driving licences shall be valid as follows:

(a) Licences valid for any of categories B, C and D shall also be valid for vehicles of all categories which, in the list set out in Article 3, precede the category for which the licence is valid (except category A 2).

(b) unchanged

(c) Licences valid for categories F 1 and F 2 shall be valid for vehicles in those categories.

(d) unchanged

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

Article 5

Minimum ages

Without prejudice to Article 5 of Council Regulation (EEC) No 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport, no driving licence may be issued to any person unless, at the time when he presents himself for the examinations provided for in Article 6, he has reached the age:

- (a) of 16 years for category A;
- (b) of 18 years for categories B and G;

- (c) of 21 years for all other categories.

Article 6

Examinations

1. Driving licences shall be issued by the State, or by bodies appointed for that purpose, a list of which shall be sent by each Member State to the Commission and to the other Member States by 30 June 1974 at the latest.

AMENDED TEXT

Article 5

Minimum ages

Without prejudice to Article 5 of Council Regulation (EEC) No. 543/69 of 25 March 1969 on the harmonization of certain social legislation relating to road transport, no driving licence may be issued to any person unless, at the time when he presents himself for the examinations provided for in Article 6, he has reached the age:

- (a) of 16 years for categories A 1 and F 2;
- (b) of 18 years for categories A 2, B, and G, except in the case of nationals of Member States having a lower age limit for these categories at the time this Directive comes into effect; such Member States may preserve their existing age limits for a period of five years from that date, during which time the Commission shall carry out a survey into the different accident rates of those driving at 17 and those driving at 18.

- (c) unchanged

Article 6

Examinations

1. Driving licences shall be issued by the State, or by bodies appointed for that purpose, a list of which shall be sent by each Member State to the Commission and to the other Member States within 18 months of the adoption of this Directive.

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

AMENDED TEXT

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| <p>2. No driving licence may be issued to any person unless he has passed the following examinations:</p> <p>(a) <u>a practical examination</u>, covering in particular the handling and driving of a vehicle in the category for which the licence has been requested;</p> <p>(b) <u>a theoretical examination</u>, in which particular importance shall be attached to a thorough knowledge of traffic regulations and road signs and signals.</p> <p>In the case of licences for categories other than category A, the theoretical examination shall also cover the basic mechanics and dynamics of vehicles in the category for which the licence has been requested;</p> <p>(c) <u>a medical examination</u> as to the applicant's physical fitness, designed in particular to test his sight, hearing and nervous system and to ascertain whether he is suffering from any pathological condition which could lead to a loss of consciousness, or from any serious impediment to movement;</p> <p>(d) <u>a psychological examination</u> involving a character test as to the applicant's fitness to drive.</p> | <p>2. <u>The issue of a driving licence to any person is conditional upon his passing the following examinations:</u></p> <p>(a) <u>a practical examination;</u></p> <p>(b) <u>a theoretical examination;</u></p> <p>(c) <u>a medical examination;</u></p> <p>(d) <u>deleted</u></p> |
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TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

AMENDED TEXT

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| <p>3. Member States shall, before 1 January 1974 and on proposals from the various national medical professional bodies, draw up a list of the doctors qualified to carry out the examination provided for in subparagraph (2) (c) of this Article.</p> <p>4. Member States may lay down additional requirements to be satisfied by persons wishing to drive vehicles intended for special uses.</p> <p>5. Before , the Council shall, on a proposal from the Commission, draw up common provisions laying down norms concerning the levels of fitness to be attained in medical and psychological examinations.</p> | <p>3. Member States shall, <u>as soon as possible, and at the latest one year after this Directive has been adopted,</u> and on proposals from the various national medical professional bodies, draw up a list of the doctors qualified to carry out the examination provided for in subparagraph (2) (c) of this Article.</p> <p>4. unchanged</p> <p>5. <u>As soon as possible, and at the latest one year after this Directive has been adopted, the Council shall, on a proposal from the Commission following consultations with the appropriate organizations, draw up common provisions laying down standards for the practical, theoretical and medical examinations provided for in paragraph 2 above.</u></p> |
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Article 7

Novice drivers

1. Without prejudice to special speed limits prescribed by regulation or indicated by road signs, the holder of a driving licence valid for category A may not, for one year from the date of issue of his licence, drive at a speed exceeding 50 km/h.
- Such person may not, for the same period, drive on any motorway or on any special access or exit road signposted as a motorway.
2. Without prejudice to speed limits prescribed by regulations or indicated by road signs, the holder of a driving

Article 7

Novice drivers

deleted

deleted

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

AMENDED TEXT

licence valid for a category other than category A may not, for one year from the day of issue of his licence, drive at a speed exceeding 70 km/h, or, on motorways or on special access and exit road sign-posted as motorways, at a speed exceeding 100 km/h.

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| 3. The holder of a driving licence shall, for one year from the date of issue of his licence, display at a fully visible external point on the rear of the vehicle which he drives a distinguishing sign conforming to the model set out in Annex II of this Directive. | 3. deleted |
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Article 8

Successive medical examinations

1. Holders of driving licences for categories A to F must present themselves for the medical examination provided for in Article 6(2)(c) at intervals not exceeding:
 - five years in the case of persons under the age of fifty;
 - two years in the case of persons between the ages of fifty and sixty-five;
 - one year in the case of persons over the age of sixty-five.
2. The holder of a driving licence for category G must present himself for such medical examination every two years, regardless of age.

Article 8

Successive medical examinations

1. The frequency of the medical examinations provided for under Article 6(2)(c) above shall be determined as soon as possible and at the latest two years after this Directive has been adopted by the Council acting on a proposal from the Commission, following consultation with the appropriate organizations.
2. deleted

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

3. The holder of a driving licence must present himself for such medical examination after any accident in which he has sustained injuries necessitating hospital treatment lasting more than one week.

Article 9

Reciprocal recognition of
existing licences

1. Subject to the condition that the requirements of paragraph 2 are satisfied, each Member State shall recognize the validity, for the purposes both of domestic and of international traffic, of driving licences issued before 1 January 1974 by another Member State, irrespective of where the driver normally resides or of the State where the vehicle is registered.
2. Recognition shall be subject to the following conditions being satisfied:
- the cover page of the licence must bear the distinguishing sign prescribed by international convention of the State issuing the licence, and, in French, the title 'Permis de conduire';

AMENDED TEXT

3. deleted

Article 9

Reciprocal recognition of
existing licences

1. Subject to the condition that the requirements of paragraph 2 are satisfied, each Member State shall recognize the validity, for the purposes both of domestic and of international traffic, of driving licences issued before the coming into operation of this Directive by another Member State, irrespective of where the driver normally resides or of the State where the vehicle is registered.
2. Recognition shall be subject to the following conditions being satisfied:
- the cover page of the licence must bear the distinguishing sign prescribed by international convention of the State issuing the licence, and, in French, the title 'Permis de conduire' and, in English, 'driving licence'.

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

- if the category of vehicle for which the licence is valid does not correspond to one of the categories listed in Article 2 of this Directive, a clear description of the category for which the licence is valid must be given in a certified translation into the other Community languages, which must accompany the driving licence.
3. Existing national driving licences shall be replaced, before 1 January 1976, by driving licences conforming to the model set out in Annex I to this Directive.

Article 10

National register of drivers
Each Member State shall, before 1 January 1974, make the necessary provision for compiling a national register of all drivers to whom it has issued a driving licence who have been convicted of any offence other than one punishable by fine without formal proceedings. The penalties imposed shall be recorded in the register.

In order that each Member State may cooperate effectively in the campaign against persistent offenders, each Member State shall make the necessary arrangements to enable it to supply within one month any information from the register concerning its nationals requested by another Member State.

AMENDED TEXT

- unchanged

3. Existing national driving licences shall be replaced, within two years of the coming into operation of this Directive, by driving licences conforming to the model set out in Annex I of this Directive.

Article 10

National register of drivers
Each Member State shall, before this Directive comes into effect, make the necessary provision for compiling a national register of all drivers to whom it has issued a driving licence who have been convicted of any offence of a minimum serious nature. The penalties imposed shall be recorded in the register.

unchanged

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

Article 11

Suspension of validity in a Member State other than that in which the licence was issued

1. Each Member State may suspend the validity of a driving licence issued by another Member State in any case where the holder of such licence commits an offence in the territory of the first-mentioned State which, under the law of that State, is punishable by suspension or withdrawal of the driving licence.

Suspension shall have effect only in the territory of the State in which the offence occurred.

2. Suspension as provided for in paragraph 1 shall be recorded in the driving licence by means of a stamp placed by the competent authorities of the State suspending the licence:
 - either in the box watermarked with the letter indicating the Member State concerned provided for this purpose on page ... of the model in Annex I to this Directive;
 - or, in the case of a licence issued before 1 January 1974, on the first page of the licence.

AMENDED TEXT

Article 11

Suspension of validity in a Member State other than that in which the licence was issued

1. Only the Member State of the National involved may suspend the validity of a European Community driving licence, on the request of the Member State in which the offence took place which, under the law of the second-mentioned State, is punishable by suspension or withdrawal of the driving licence.

Suspension shall have effect only in the territory of the State in which the offence occurred unless the first-mentioned Member State otherwise determines.

2. Suspension as provided for in paragraph 1 shall be recorded in the driving licence by means of a stamp placed by the competent authorities of the State suspending the licence:
 - either in the box watermarked with the letter indicating the Member State concerned provided for this purpose on page ... of the model in Annex I to this Directive;
 - or, in the case of a licence issued before the coming into operation of this Directive, on the first page of the licence.

TEXT PROPOSED BY THE COMMISSION OF
THE EUROPEAN COMMUNITIES

AMENDED TEXT

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| <p>The duration of the suspension and the date on which it is to take effect must be indicated by means of this stamp.</p> <p>3. Before any licence may be suspended, the holder must be given all proper facilities to make representations in the Community language of his choice before the competent authorities of the Member State proposing to suspend his licence.</p> <p>4. Every suspension pursuant to this Article shall be notified within one month to the Member State which issued the licence.</p> <p>5. The Council shall, before 1 July 1974 and on a proposal from the Commission, adopt uniform rules for assessing offences objectively by means of a scale of numbers relating to their gravity, and for determining the circumstances in which driving licences may be suspended or withdrawn.</p> | <p>unchanged</p> <p>3. Before any licence may be suspended, the holder must be given all proper facilities to make representations in <u>his own Member State before the competent issuing authority.</u></p> <p>4. Every suspension pursuant to this Article shall be notified within one month to the Member States.</p> <p>5. The Council shall, <u>within six months of the coming into operation of this Directive</u>, and on a proposal from the Commission, adopt uniform rules for assessing offences objectively by means of a scale of numbers relating to their gravity, and for determining the circumstances in which driving licences may be suspended, withdrawn <u>or restored to the holder.</u></p> |
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Articles 12 and 13 unchanged

Annex I

See amended Article 9(2). Provision should also be made to record on the driving licence convictions which may cumulatively count towards suspension or disqualification. The front of the licence should be amended to take into account Denmark, Eire and the United Kingdom.

Annex II

deleted (see deleted Article 7)

EXPLANATORY STATEMENTI. GENERAL

1. The development of intra-Community road haulage resulting from the progressive integration of the national markets, together with the rapid and sustained growth of tourism both make a serious increase in road traffic and an aggravation of the accompanying difficulties, dangers and nuisances likely.

2. All the Member States are faced to the same degree with the problems of a safe and orderly traffic flow.

It is therefore essential for the Community organs to adopt as part of the common transport policy a number of measures to improve road traffic conditions throughout the Community.

3. Road traffic conditions may be improved by action in three main fields: infrastructure, vehicles and drivers.

It is acknowledged that the human factor is vitally important; in some countries it is estimated that drivers are responsible for 83 per cent of accidents, infrastructure and vehicles accounting for the remaining 17 per cent.

The proposed directive under consideration here sets out to harmonize at a 'reasonably stringent level' the legal provisions in the field of driving licences.

II. DRIVING LICENCES

4. There are still wide differences between national legislations on the issue of driving licences.

5. A uniform procedure for the issue of driving licences would make easier mutual recognition of licences and facilitate the free movement of persons and freedom of establishment in the transport sector.

A standardized driving licence would be a significant step towards harmonized conditions of competition in the transport field.

6. The Commission proposes harmonization at the highest possible level of the aptitude requirements and theoretical and practical standards to be met before a driving licence can be issued.

As from 1 January 1974, Member States must issue new driving licences in accordance with the provisions of the Directive (Article 1) and on a standard model (Article 2). This date is obviously now meaningless. The Council must adopt this directive as soon as possible and in compliance with this directive Member States must issue the new driving licences at the latest one year after it has been adopted.

The Commission will also have to modify the other dates given in the proposed directive.

Within two years of the coming into effect of the directive old driving licences must be replaced by the new model (Article 9(3)).

7. The standard driving licence selected is illustrated in Annex I; it corresponds to the licence provided for by the UN Convention on Road Traffic which was laid open for signature in Vienna on 8 November 1968. This will need amendment to take account of the enlargement of the Community.

8. The issue of a driving licence is subject to certain requirements concerning age, theoretical and practical knowledge, physical and mental aptitudes:

In the proposed directive Articles 6 and 8 lay down certain specific requirements concerning the standards and frequency of these examinations. The Committee on Regional Policy and Transport are however of the opinion that such standards could better be defined after the Commission has consulted the appropriate national and international organizations concerned. They accordingly recommend that the standards and frequency of examinations should be the subject of subsequent directives.

9. As regards categories of vehicles for which a driving licence is required (Article 3), the Committee on Regional Policy and Transport consider that any person driving on the roads should carry a licence.

Category A excludes motor cycles having a maximum design speed not exceeding 45 km/h; the Committee propose placing them in a special category: A 1 (category A of the proposed directive becomes A 2).

The proposed directive provides that a driving licence for certain higher categories (Article 4) should also be valid for vehicles of all lower categories.

The Committee on Regional Policy and Transport consider that a driving licence issued for driving a motor car (category B, C or D) should not entitle the holder to drive a motor cycle (category A 2), which can be driven at high speed and requires special aptitudes.

10. As regards age, the Committee on Regional Policy and Transport considers that fast motor cycles should not be driven by persons under the age of 18 (instead of 16). They propose however that where Member States currently have an age limit of lower than 18 for vehicles in categories A 2, B and G (motor cycles having a maximum design speed exceeding 45 km/h, motor cars and vehicles specially adapted to take account of driver's disability) they should be permitted to retain such limit when issuing licences to their nationals for a period of five years from the coming into effect of the directive. During this period the Commission should carry out a comprehensive survey into the comparative accident rates of those driving at 17 and those driving at 18 before any definitive answer to the minimum driving age for such vehicles is arrived at.

However, authorization to drive an agricultural tractor should be given before the age of 21. Driving licences for this category of vehicle come under category F which also includes heavy and cumbersome engineering plant. The Committee on Regional Policy and Transport proposes establishing two different categories here: F 1 and F 2. A driving licence for category F 2 (agricultural tractors) could then be issued at the age of 16 instead of 21.

11. In its opinion, the Legal Affairs Committee proposes that Article 6(2) (b) should specify that the theoretical examination should also cover 'the principal regulations in force in the other Member States'.

Because of the practical difficulties which a supplementary examination of this kind would involve it could be considered unnecessary. The International Convention concluded in Vienna in 1968 and the European Implementing Agreement adopted by the Economic Commission for Europe have harmonized the main rules of the highway code (a few differences remain in the matter of road signs).

12. The first indent of Article 9(2) stipulates that the cover page of the driving licence should bear the French designation 'permis de conduire'.

This accords with Annex VI, paragraph 2, of the Vienna International Convention which applies to international road traffic.

The Legal Affairs Committee considers that the English designation 'driving licence' should be added.

The Committee on Regional Policy and Transport accepts this addition by analogy with the provisions of Article 2 dealing with the information shown inside the driving licence.

13. Article 10, paragraph 2, stipulates that each Member State should make the necessary arrangements to enable it to supply within one month any information from the register concerning its nationals requested by another Member State.

The Legal Affairs Committee considers that this information should be communicated automatically.

One could take the view that a driver's previous record would have to be communicated only in a few cases, where for example the foreign driver had caused a fairly serious accident. In deciding what penalty should be applied the driver's previous record may be useful but not always necessary. It should therefore be left to the State concerned to decide whether or not to request communication of this record.

Otherwise, each Member State would be obliged to keep not only national but international records for all other Member States.

14. Article 11 provides that any Member State may suspend the licence in its own territory, regardless of the issuing Member State, if the holder has committed an offence that, under its own legislation, would lead to suspension or withdrawal of the licence.

The Legal Affairs Committee raised the question of whether paragraph 1 should not stipulate 'suspension or withdrawal' in line with paragraph 5.

This does not seem possible at the present time, for a state other than the issuing state can do no more than suspend the driving licence. In other words, the only state able to withdraw the licence is the issuing state.

15. The Committee on Regional Policy and Transport is however of the opinion that not only the withdrawal but also the suspension of a driving licence should only be undertaken by the issuing state irrespective of where the offence was committed. This would be carried out on the request of the Member State where the offence took place but the licence holder should be given the opportunity to make representations before the issuing authority suspended or withdrew his licence as also should be the Member State seeking the suspension. The Committee have therefore amended Article 11 to give effect to this principal.

16. The Council should adopt within six months of the coming into effect of this directive uniform rules for assessing offences objectively by means of a scale of numbers relating to their gravity, and for determining the circumstances in which driving licences may be suspended, withdrawn or restored.

III. CONCLUSIONS

17. Following frequent consultations and consideration of national provisions, the Commission proposes that national laws be harmonized at a reasonably high compulsory level.

The agreed standard driving licence is in conformity with the model approved by the Vienna International Convention.

18. Subject to the addition of a few points of detail, the Regional Policy and Transport Committee approve the directive proposed by the Commission, relaying that while the costs to national budgets may be high, they may be regarded as low in relation to the cost of accidents (in both financial and human terms) and their economic implications which are difficult to quantify.

Working from national estimates, the Commission has calculated that the aggregate cost of road accidents in the Community as a whole amounts to more than 4,000 million units of account (1.15 per cent of the Community GNP. This figure corresponds to the 50,000 deaths and 1,200,000 injuries that occur each year on the Community's roads. Adding material damage and the losses to society, the estimate rises to roughly 8,000 million units of account or 2.5 per cent of the Community's GNP.

19. The Regional Policy and Transport Committee's main concern is that the proposals should be quickly introduced in the Member States and the provisions they contain strictly observed.

Opinion of the Legal Affairs Committee¹

Draftsman of the opinion: Mr S. MEISTER

The Legal Affairs Committee appointed Mr Meister draftsman of the opinion on 16 October 1972.

It examined the draft opinion at its meeting of 23 November 1972 and adopted it unanimously.

The following were present: Mr Meister, acting chairman and draftsman; Mr Brugger, Mr D'Angelosante, Mr De Sanctis, Mr Duval, Mr Koch, Mr Memmel, Mr Spenale, Mr Vermeylen and Mr Vernaschi.

¹ Only those portions of the Opinion which relate to the directive on the harmonization of the laws relating to vehicle driving licences are reproduced here.

General observations

1. The Commission of the European Communities has asked the European Parliament for its opinion on:
 - a proposal for a directive on the harmonization of the laws relating to vehicle driving licences;
 - a proposal for a directive on the approximation of the laws of the Member States relating to road worthiness tests for motor vehicles and their trailers.
2. These proposals form part of the programme for the development of transport policy put forward on 8 November 1971.
3. Both proposals aim at increasing road safety and at creating harmonized conditions of competition by eliminating the present distortions. These distortions are caused both by the lack of mutual recognition of national driving licences (which is particularly disadvantageous to persons working in foreign countries), and also by the differences between national legislation in regard to the kinds of vehicles obliged to undergo testing, the intervals of time between such tests and their nature, the age of the vehicle, etc.

First Directive

4. The legal basis for the proposal on the harmonization of driving licences is Article 75, paragraph 1(c) which stipulates that the Council shall make appropriate provisions for implementing the common transport policy.

The Commission did not consider it necessary to cite Article 61(1) on freedom to provide services in the field of transport, since this article refers to the Title on transport.

Your draftsman feels that the reference to freedom of establishment in the fourth recital ought to be regarded as a legal basis; this could be done by wording the recital as follows:

- having regard to the Treaty and in particular to Article 75 1(c) and to Title III, Chapter 2 on freedom of establishment,
- in order to emphasize the basic aim of the proposal.

5. The proposal on driving licences has as its practical purpose the creation of a genuine 'European driving licence' in two stages:

- as from 1 January 1974 Member States would issue a driving licence on the conditions uniformly defined in the draft directive and based on an identical model (reproduced as an annex to the draft);
- as from 1 January 1976 all driving licences issued previous to that date would have to be replaced by licences conforming to the common model.

6. These licences would be valid throughout the Community, irrespective of the place of residence of the driver holding the licence or the country in which the vehicle is registered. This means that the holder of a 'European driving licence' issued by one Member State could drive vehicles registered in any other Member States.

The proposal envisages in particular driving licences being issued under uniform conditions with regard to age, practical and theoretical examinations and medical and psychological tests and, in addition, regular medical check-ups in the case of older drivers. The Commission also proposes uniform conditions for suspension of the validity of a driving licence in a Member State other than the one in which the licence was issued.

7. Observations on the different articles

Article 6:

Paragraph 2 deals with practical and theoretical examinations and the medical certificates needed to take out a licence.

In the interests of greater precision, the wording should be changed to read as follows:

'No driving licence may be issued to any person unless he has successfully passed the following examinations:

- Paragraph 2(b) should be completed as follows:

- a theoretical examination, in which particular importance shall be attached to a thorough knowledge of traffic regulations and road signs and signals in the state issuing the driving licence and an adequate knowledge of the principal regulations in force in the other Member States.

This addition seems necessary in view of the rapid increase in international motorized tourism and in anticipation of uniform regulations being introduced in all countries (particularly with regard to horizontal traffic signs).

Article 7, paragraph 3 lays down that, for one year from the date of issue of the driving licence, the licence holder may drive only if the rear of his vehicle carries a sign conforming to the model shown in Annex II. This model merely indicates the dimensions of the sign and requires the letter 'L' to be shown. It would be advisable to stipulate the colour of the sign also or, better still, to devise a symbol (for example, a red circle), since an initial letter may not have the same meaning in all languages.

Article 8, paragraph 1 prescribes regular medical examinations as a function of age. In this context the question would have to be considered as to whether the varying treatment envisaged on grounds of age is compatible with 'equality before the law', all the more so since statistics show that the accident rate is lower for older drivers, who are generally more skilled and prudent, than for young persons between 18 and 28 years of age (see, for example, the German Statistical Yearbook).

Article 9, paragraph 2, first sentence stipulates that the cover page of the licence should carry the distinguishing sign, according to the current international conventions, of the State issuing the licence and the title in French 'Permis de conduire'. In our view the English title 'Driving licence' should also be added, by analogy with the provision of Article 2.

Article 10 provides that by 1 January 1974 each State shall draw up a national register containing the names of all drivers who have been convicted for traffic offences other than minor infringements.

Furthermore, each State must, within one month, furnish other States, at their request, with all information pertaining to its own citizens who appear in this register; this will help to bring about effective cooperation in the campaign against persistent offenders.

In our view this information ought to be furnished automatically, instead of on request. Indeed, it is hard to see how one state could become aware of penalties imposed in another.

Article 11

- paragraph 1 stipulates that any Member State may suspend the validity of a driving licence issued by another Member State, when, under the law of that state, an offence has been committed which is punishable by suspension or withdrawal of the driving licence. This suspension operates only on the territory of the state in which the offence has been committed.

- paragraph 5: the Council shall adopt by 1 July 1974 uniform standards for the objective assessment of the gravity of traffic offences and for determining the circumstances in which a driving licence may be suspended or withdrawn.

This raises the question as to whether these two paragraphs ought not to be harmonized so that both indicate suspension or withdrawal.

When the uniform standards envisaged in paragraph 5 have come into force, will a suspension imposed in one Member State be valid also on the territory of the other States?

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