

COM1820

COMMISSION OF THE EUROPEAN COMMUNITIES

COM(75) 534 final.

Brussels, 30 October 1975

**HILLMAN**

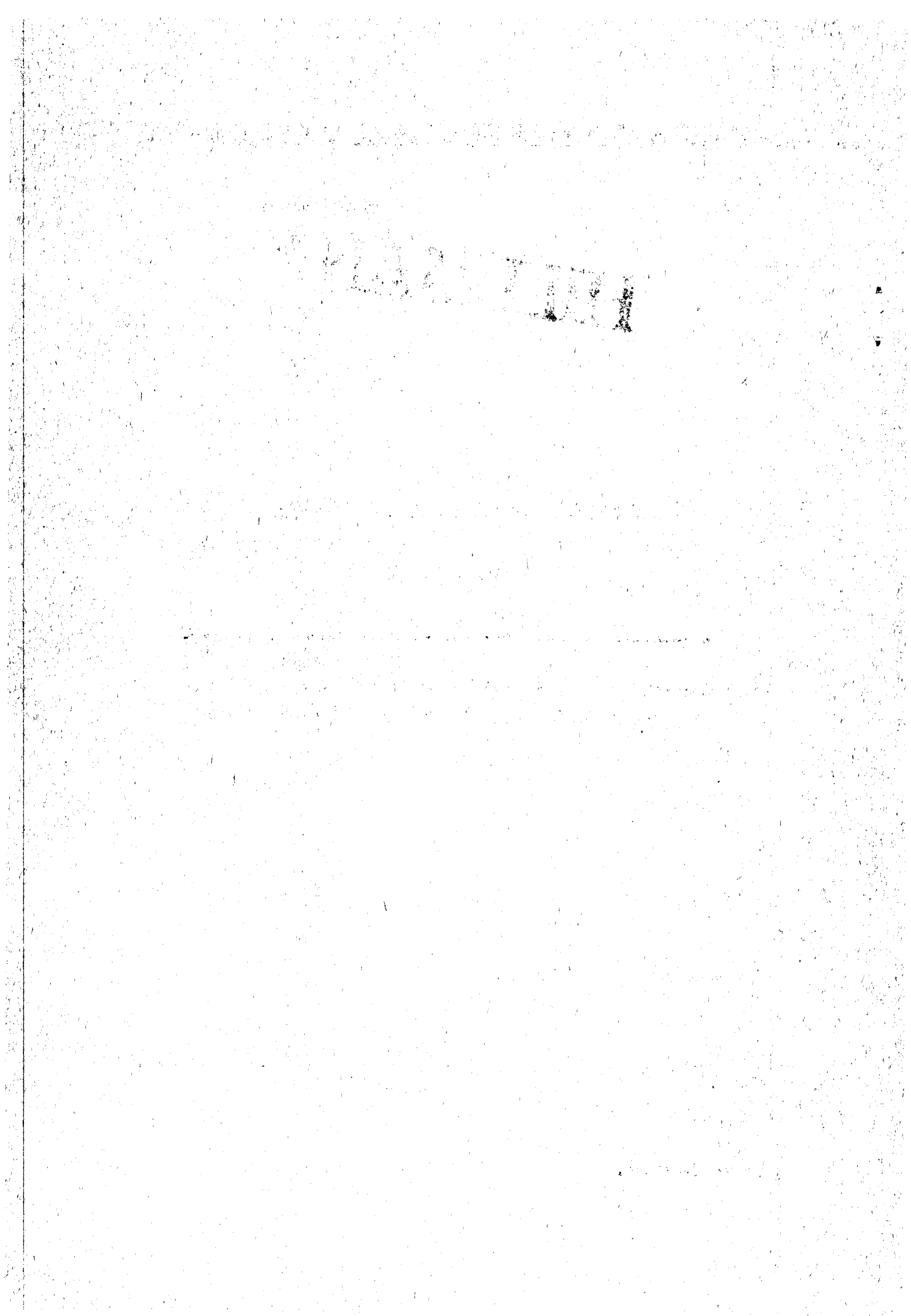
AMENDED PROPOSAL FOR A COUNCIL DIRECTIVE

on the harmonization of the laws relating to motor vehicle  
driving licences

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(presented to the Council by the Commission pursuant to  
the second paragraph of Article 149 of the EEC Treaty)

COM(75) 534 final.



## EXPLANATORY MEMORANDUM

### A. General

On 17 August 1972, with a view to implementing the Community action programme to help increase road safety, and in accordance with its Memorandum to the Council of 8 November 1971 on the development of the common transport policy<sup>1)</sup>, the Commission sent to the the Council a proposal for a Directive on the harmonization of the laws relating to vehicle driving licences<sup>2)</sup>.

This proposal for a Directive was designed to establish a uniform procedure for the issue of driving licences with a view to making easier their reciprocal recognition as well as the free movement of persons and freedom of establishment in the transport field.

Opinions on the proposal for a Directive were delivered by the European Parliament on 22 April 1974<sup>3)</sup> and the Economic and Social Committee on 23 May 1973<sup>4)</sup>.

After carefully examining these Opinions, the Commission decided to propose amendments to the initial proposal for a Directive, pursuant to the second paragraph of Article 149 of the Treaty.

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1) See Fifth General Report, point 396.

2) OJ No C 119, 16 November 1972, page 9.1.

3) OJ No C 55, 13 May 1974, page 4.

4) OJ No C 60, 26 July 1973, page 1.

Unlike the original proposal for a Directive, which was designed to cover everything involved in introducing a Community driving licence intended to replace national licences, the present amendments are aimed primarily at ensuring the reciprocal recognition of licences by introducing a Community licence. The procedures, common standards and date until which the holder of a valid national licence issued by a Member State may automatically obtain a Community driving licence, should be laid down no later than five years after this Directive has been adopted by the Council. To make it easier to follow the amended proposal for a Directive, which differs in structure from the original proposal, the entire amended text is given.

As, in addition to the modifications suggested by the European Parliament and the Economic and Social Committee, the Commission has made other structural modifications to its original proposal to take account of the <sup>agreement</sup> APC/prepared by the Economic Commission for Europe at Geneva in particular, it recommends that the European Parliament and the Economic and Social Committee be consulted on the new text.

The Article-by-Article comments clearly indicate the amendments to the Commission's original proposal; some take account of the Opinion of the European Parliament or that of the Economic and Social Committee, while others have been made independently of the Opinions of these bodies.

B. Article-by-Article comments

Re Article 1

In the Commission's original proposal the Member States were asked to issue vehicle driving licences as from 1 January 1974 in accordance with the provisions of this proposal. The European Parliament has proposed a flexible deadline linked to the date on which the Directive is adopted (one year later) and also the use of the term "Community driving licences".

The new proposal embodies the European Parliament's proposals but, as it is optional, it only provides for the introduction of a Community driving licence, to be introduced two years after the Council has adopted the Directive. During this two-year period Member States will be able to adapt their national laws to meet the provisions of the Directive.

Re Article 2

The presentation of the standard licence provided for in the original proposal has been modified, especially from a linguistic point of view to take account of the accession of the new Member States.

The standard licence provided for in Article 2 is modelled on that set out in Annex 6 to the UN Convention on Road Traffic signed in Vienna on 8 November 1968. Its first page is in the six Community languages and bears the distinguishing sign of the country of issue, as laid down in the UN Convention. The other pages are in the language of the country of issue.

Re Article 3

The new proposal differs from the original one as regards categories A and F. In the new proposal the definition of category A has been changed in line with the Opinion of the European Parliament, and is designed to remove technical barriers to trade in motor cycles.

The European Parliament also proposed a moped driving licence, but in view of the many problems involved it did not appear possible to take up the suggestion.

The Opinion of the European Parliament and that of the Economic and Social Committee recommended that the minimum age for drivers of agricultural and forestry tractors should be reduced from 21 to 16, but this minimum age should not be extended to the other vehicles in category F (engineering plant). They suggested splitting category F into two - F1 and F2. The Commission takes account of this suggestion in its amendments.

Re Article 4

The original proposal was based on the principle that driving licences issued for a particular category were valid for both vehicles in that category and vehicles in lower categories.

The European Parliament considers that a motor car driving licence should not be valid for a motor cycle.

For the purpose of this Directive introducing an optional Community driving licence it was thought advisable to indicate explicitly on the licence the vehicle category for which it is valid, as examination procedures are not to be harmonized until later.

Re Article 5

The Opinion of the European Parliament and that of the Economic and Social Committee proposed that, for the benefit of family farms, the minimum age for holding a category F2 driving licence should be 16.

The European Parliament also proposed that the minimum age for holding a motor car or motor cycle licence should be 18, except in countries where the minimum age is 17 at present.

Seventeen could remain the minimum age there for a ~~per~~iod of five years. The European Parliament has asked the Commission to make a survey during that period into the accident rates of those driving at 17 and those driving at 18, respectively, before a final proposal is made concerning the minimum age.

As national driving licences are not to be abolished, no exceptions are necessary, and the minimum age has been fixed at 18 in this proposal.

Re Article 6

Article 6 incorporates Articles 6 to 11 of the original proposal.

The original proposal contained detailed provisions on uniform conditions for the issue of the Community licence and the objective assessment of offences. The European Parliament considers that these detailed provisions should not be finalized until the Commission has had the opportunity to consult the appropriate national and international organizations.

Subsequent adoption of the provisions by the Council on a proposal from the Commission is provided for in the amended text.



AMENDED PROPOSAL FOR A COUNCIL DIRECTIVE

on the harmonization of the laws relating to  
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THE COUNCIL OF THE EUROPEAN COMMUNITIES,

Having regard to the Treaty establishing the European Economic Community, and in particular Article 75(1)(c) thereof;

Having regard to the proposal from the Commission;

Having regard to the Opinion of the European Parliament;

Having regard to the Opinion of the Economic and Social Committee;

Whereas every possible means must be used to improve road traffic conditions throughout the Community;

Whereas any genuine common transport policy must include appropriate measures for the improvement of conditions governing the smooth and regular flow, ease of movement and safety of road traffic;

Whereas the constant increase in the number and frequency of road accidents involves a growing cost to the public;

Whereas the principle of full reciprocal recognition by Member States of one another's national driving licences should be encouraged in order to help solve the problems arising in connection with freedom of movement and with freedom of establishment for transport operators;

Whereas harmonization of laws in this respect would materially assist the finding of a solution for the problem of the conditions of competition in the transport sector;

Whereas in the interests of uniformity, a Community driving licence based on the Convention on Road Traffic (Vienna, 1968) should be introduced, and whereas as a first stage, such a licence should be made optional for those concerned during a transitional period;

Whereas it is desirable for Member States to issue the Community licence through their existing administrative offices, thereby avoiding the need to set up a Community body;

Whereas the issue of a Community driving licence under similar conditions in each Member State requires that uniform categories of vehicles and a uniform minimum age limit for each category be adopted; and whereas for the same reason uniform criteria must be adopted for the validity of such a licence in respect of each category of vehicles;

Whereas the future development of a Community driving licence will require the application of uniform criteria in respect of the issue of driving licences as regards the theoretical and practical competence and state of physical fitness of applicants; novice and learner drivers; medical examinations and for the introduction of measures to secure the equal treatment of traffic offences throughout the Community, such as setting up a national register of drivers and rules to provide objective assessment of the gravity of offences and for fixing the criteria for the suspension, withdrawal or restitution of a licence;

HAS ADOPTED THIS DIRECTIVE:

Article 1

With effect from .....(two years after the Council has adopted this Directive), there shall be a Community driving licence which shall be valid throughout the territories of the Member States and shall entitle the holder to drive, in domestic and international traffic, vehicles of the categories for which it has been issued, irrespective of where he or she normally resides.

The Community driving licence shall be issued by the Member States in accordance with the provisions of this Directive.

Article 2

The Community driving licence shall be in the form contained in the Annex to this Directive.

Article 3

1. The Community driving licence provided for in Article 1 shall authorize the driving on the public road 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 C: vehicles of category A or B specially adapted to take account of the driver's disability.

- 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:
- 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:

"motor cycle" means any two or three-wheeled vehicle with a maximum design speed exceeding 45 kilometres per hour or, if it is powered by a heat engine, with a cylinder capacity exceeding 50 cm<sup>3</sup>. 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.

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

Article 4

Driving licences shall be valid as follows:

- (a) Licences valid for categories A, B, C, D, F1 and F2 shall be valid for the driving of vehicles in those categories;
- (b) Licences valid for category E shall, without prejudice to paragraph (c), be valid for the driving of combinations of vehicles;
- (c) Licences valid for category E shall only be issued to drivers already licenced to drive vehicles in categories B, C or D.
- (d) Licences valid for category G shall be valid for the driving of a vehicle in category A or B specially adapted to take account of the driver's disability. The registration number of such vehicle shall be entered on the licence.

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 induring 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 of Council Regulation (EEC) No 543/69<sup>1)</sup> of 25 March 1969 on the harmonization of certain social legislation relating to road transport.

Article 6

Before (five years after the Council has adopted this Directive), the Council shall, on a proposal from the Commission,

- (a) fix the date until which the holder of a valid national driving licence issued by a Member State may, on presentation of his national driving licence and provided that he has reached the minimum age laid down in Article 5 hereof, obtain from that State a Community driving licence for the corresponding category or categories without being required to take the examinations provided for in the following sub-paragraph.

With effect from that date, the Community driving licence shall be issued only to persons who have passed practical and theoretical examinations and have established a satisfactory state of physical fitness;

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1) OJ No L 77, 29.3.1969, p. 49

- (b) 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, the rules applicable to novice and learner drivers, and the criteria for medical examinations;
- (c) adopt all measures necessary for the compilation of a national register of drivers in which all offences other than ones punishable by fine or fixed penalty without formal proceedings shall be recorded;
- (d) adopt uniform rules for the objective assessment of offences by means of a numerical scale relating to their gravity, and for the determination of the circumstances in which driving licences may be suspended, withdrawn or restored.

#### Article 7

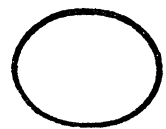
1. The Member States shall, in good time and at least six months before the date laid down in Article 1, after consulting the Commission, adopt such laws, regulations or administrative provisions as may be necessary for the implementation of this Directive.
2. Before the date laid down in Article 1 the Member States shall send the Commission and the other Member States, a list of bodies authorized to issue Community driving licences.

#### Article 8

This Directive is addressed to the Member States.





| 1<br>Periods of disqualification from driving, and examinations taken   | 2<br>Periods of disqualification from driving, and examinations taken  | <p>DE EUROPÆISKE FÆLLESSKABER<br/>         EUROPÄISCHE GEMEINSCHAFTEN<br/>         EUROPEAN COMMUNITIES<br/>         COMMUNAUTÉS EUROPÉENES<br/>         COMUNITA EUROPEE<br/>         EUROPESE GEMEENSCHAPPEN</p>  <p>FØRERBEVIS<br/>         FÜHRERSCHEIN<br/>         DRIVING LICENCE<br/>         PERMIS DE CONDUIRE<br/>         PATENTE<br/>         RIJBEWIJS</p> |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
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| 1 Surname<br>2 Other names<br>3 Date and place of birth<br>4 Permanent place of residence<br>5 Issued by<br>6 At            on<br>7 Valid until<br>8 No<br>(Signature, etc.)<br>Signature of holder | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 10%;">Vehicle categories for which the licence is valid</th> <th style="width: 80%;">Stamp</th> </tr> </thead> <tbody> <tr> <td><b>A</b> Two or three-wheeled motor cycles with a maximum speed exceeding 45 km/h, with or without sidecar</td> <td></td> </tr> <tr> <td><b>B</b> Motor vehicles, other than A, with a permissible max. weight not exceeding 3500 kg and not more than 8 seats in addition to the driver's seat</td> <td></td> </tr> <tr> <td><b>C</b> Motor vehicles used for the carriage of goods and whose permissible maximum weight exceeds 3,5 tonnes</td> <td></td> </tr> <tr> <td><b>D</b> Motor vehicles used for the carriage of passengers, with more than eight seats, in addition to the driver's seat</td> <td></td> </tr> <tr> <td><b>E</b> Combinations of vehicles of which the drawing vehicle is in categories B, C or D but which are not themselves in that category or categories</td> <td></td> </tr> <tr> <td><b>F<sub>1</sub></b> Engineering plant</td> <td></td> </tr> <tr> <td><b>F<sub>2</sub></b> Agricultural forestry and showman's tractors with or without trailer</td> <td></td> </tr> <tr> <td><b>G</b> Vehicles of category A or B specially adapted to take account of the driver's disability</td> <td style="text-align: center;">No</td> </tr> </tbody> </table> | Vehicle categories for which the licence is valid   | Stamp | <b>A</b> Two or three-wheeled motor cycles with a maximum speed exceeding 45 km/h, with or without sidecar |  | <b>B</b> Motor vehicles, other than A, with a permissible max. weight not exceeding 3500 kg and not more than 8 seats in addition to the driver's seat |  | <b>C</b> Motor vehicles used for the carriage of goods and whose permissible maximum weight exceeds 3,5 tonnes |  | <b>D</b> Motor vehicles used for the carriage of passengers, with more than eight seats, in addition to the driver's seat |  | <b>E</b> Combinations of vehicles of which the drawing vehicle is in categories B, C or D but which are not themselves in that category or categories |  | <b>F<sub>1</sub></b> Engineering plant |  | <b>F<sub>2</sub></b> Agricultural forestry and showman's tractors with or without trailer |  | <b>G</b> Vehicles of category A or B specially adapted to take account of the driver's disability | No | <table border="1" style="width: 100%; border-collapse: collapse;"> <thead> <tr> <th style="width: 100%;">Renewals</th> </tr> </thead> <tbody> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr><td> </td></tr> <tr> <th style="width: 100%;">Further particulars</th> </tr> <tr><td> </td></tr> </tbody> </table> | Renewals |  |  |  |  |  |  | Further particulars |  |
| Vehicle categories for which the licence is valid   | Stamp  |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
| <b>A</b> Two or three-wheeled motor cycles with a maximum speed exceeding 45 km/h, with or without sidecar  |  |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
| <b>B</b> Motor vehicles, other than A, with a permissible max. weight not exceeding 3500 kg and not more than 8 seats in addition to the driver's seat  |  |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
| <b>C</b> Motor vehicles used for the carriage of goods and whose permissible maximum weight exceeds 3,5 tonnes  |  |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
| <b>D</b> Motor vehicles used for the carriage of passengers, with more than eight seats, in addition to the driver's seat   |  |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
| <b>E</b> Combinations of vehicles of which the drawing vehicle is in categories B, C or D but which are not themselves in that category or categories   |  |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
| <b>F<sub>1</sub></b> Engineering plant  |  |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
| <b>F<sub>2</sub></b> Agricultural forestry and showman's tractors with or without trailer   |  |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
| <b>G</b> Vehicles of category A or B specially adapted to take account of the driver's disability   | No   |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
| Renewals  |  |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
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| Further particulars   |  |   |       |  |  |  |  |  |  |   |  |   |  |  |  |   |  |   |    |  |          |  |  |  |  |  |  |                     |  |
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APPENDIX

