



21st October 2003

Driving licences: ensuring security, safety and free movement



3rd Driving Licence Directive proposed by Commission

The Commission proposed on 21st October a revision of European legislation on driving licences to reduce possibilities of fraud, guarantee a true freedom of movement to EU Drivers and reinforce safety on European roads.

1. Why propose a new driving licence system in the Union ?

European legislation on driving licences has a direct impact on nearly every one of us, Europeans. An estimated 60% of the Union's population holds a valid driving licence, around 200 million citizens. A great number of these Europeans make cross-border trips within the Union for private or professional purposes and every year many Europeans and their families move to another EU country.

It is thus paradoxical in this context that the free movement of EU drivers is still not completely achieved. Because of differing validity periods or medical examination rules, the current lack of harmonisation of driver licensing systems has resulted in legal uncertainty for many Europeans who move to another Member State. Achieving a 100% functioning internal market, an objective set by the European Council in the so-called Lisbon agenda, requires action in the driving licence field, so that **the free movement of driving licence holders** is at last totally ensured.

More than 80 different driving licence models with different entitlements and validity periods are circulating today in the Member States. Hardly any proper enforcement of driving licences is therefore possible. Yet a driving licence not only gives access to all kinds of vehicles, possibly with considerable weights and dimensions, in many EU countries it can also be used as an identification document to open a bank account or to book flights. After the 11 September 2001 terrorist attacks in the US, an **anti-fraud protection** aspect to the driving licence has thus been identified as a major cause for concern.

Last but not least, driving licence rules certainly have an impact on **road safety**. With more than 40 000 deaths on European roads each year, the Commission proposes to use driving licence rules to help enhance safety on European roads.

2. Driving licence legislation so far in the Union

The first European piece of legislation on driving licences dates back from 1980. A Council Directive then made it possible for EU citizens moving to another Member State to exchange their driving licence without passing a new theory, practical and medical test. The driver however still had to exchange his licence within one year of taking up residence in a new Member State.

It is only in 1991 that a new Directive established the mandatory principle of mutual recognition and abolished the need to exchange one's license. However in practise the application of this principle has been impeded by the fact that validity periods of licences and the periodicity of the medical examination were not harmonised. As the national legal systems of driver licensing in the 18 Member States of the European Economic Area continue to differ considerably on those points, the legal uncertainty for citizens who take up residence in another Member State has increased instead of diminishing.

3. Objectives of the Commission's proposals

1. Reducing the possibilities of fraud

Withdrawal of the paper model driving licence

To limit the number of different licence models that are in circulation, and to enhance the protection against fraud, the paper Community driving licence model should be phased-out. **The Commission proposes that the only European driving licence model to be issued should be a plastic "credit" card type**, already used in some EU countries, which allows for greater protection against forgery. Current paper driving licences will not be exchanged but will stop being issued from the entry into force of the new legislation which will lead to a gradual phasing-out of old models.



Introduction of an optional microchip

To raise the protection against fraud still further, Member States should be allowed, if they so wish, to insert a **microchip** in the licence. The repetition of the information printed on the card in the microchip increases the anti-fraud protection and at the same time ensures protection of the data. Of course, European legislation on the protection of personal data will have to be respected. Moreover the use of the microchip has to be limited the driving licence issues, such as guaranteeing the withdrawal of the licence after a serious offence and may not be used for other purposes.

Introduction of a compulsory administrative renewal for all new licences

A mandatory and regular administrative renewal of driving licences would ensure that all documents in circulation be updated using the most up-to-date security features. The gradual reduction of the number of licence models in circulation would ease enforcement, and so would the greater likeness of the holder of the photo on the licence.

It is proposed that all new licences for **mopeds, motorcycles, cars, tricycles and quadricycles** should have a maximum administrative validity of **10 years**. Drivers and riders **over 65 years** of age should have a licence with maximum administrative validity of **5 years**.

NEW!

It is also proposed that all new driving licences for **trucks and buses** should have a maximum administrative validity of **5 years**. Because of the importance of the rights conferred such driving licences, the validity period of these issued **from the age of 65** should be limited to **1 year**. This is already current practice in most Member States.

The rule should not affect acquired rights and should therefore **only apply to new licences**. Drivers with licences issued before the entry into force of the proposed Directive would only be subject to this new rule if their licence has to be renewed, or replaced in case the licence has been lost or stolen.

Outside the European Union

Most Western countries limit the validity of their driving licences. In Japan, drivers need to renew their licences every 3 years and an eyesight check is carried out. In the USA and Canada, drivers need to renew their licenses every 2 to 4 years and licences are not recognised in between their states.

2. Guaranteeing the free movement of citizens

This new compulsory regular renewal of the document would also abolish the last remaining obstacles to the free movement of drivers. All newly issued driving licences would have identical administrative validity throughout the European Union. All old driving licences that are still valid and in circulation would have to be recognised without restricting their validity or imposing medical checks. The right to drive would clearly be established by the document itself and thus easy to recognise by the holder, the administrative authorities and the enforcement authorities.

NEW!

The Commission thus proposes to **abolish the right of Member States to apply their own validity period to holders of licences issued by other Member States who establish their normal residence on their territory**. Their licences will remain valid as stipulated on the driving licence. Before expiry, the holder will have to renew the driving licence where he lives. From that date, the host Member State will apply the new administrative validity period and is allowed to impose a medical check if this is foreseen for its own citizens. These provisions will finally provide the necessary legal security for the holder of a driving licence.

There is no proposal to withdraw all existing old driving licence models. Millions of driving licences would have to be exchanged, an operation of such magnitude that it would be difficult to manage even when spread over a period of 5 or 10 years. It is therefore proposed that the limited administrative validity should only apply to driving licences issued from the date of application of this Directive. This will lead to a gradual phasing-out of old models. However Member States have to inform the Commission of the level of anti-fraud protection of all licences and decide about phasing out old models when necessary.

Current obstacles to the freedom of drivers' movements

At present, the principle of mutual recognition of licences issued in a Member State is obstructed by national provisions on the validity of licences and medical examinations.

An EU citizen who moves to another Member State may have to undergo a medical examination or find that his licence expires at a different time from the one noted on the licence. At present, almost all Member States have different regimes regarding medical examinations and the period of validity of licences. This means that virtually no citizen who takes up normal residence in another Member State knows when his or her driving licence will expire because of differing validity periods, or knows when he or she has to undergo a medical check prescribed by that country's legislation.

In some Member States, certain categories of licences are issued for life; in others, licences have to be renewed at regular intervals or from a certain age. Where, for instance, a German licence holder moves to The Netherlands, he will have a document indicating that the licence is valid for life. The Netherlands will apply its legislation on validity periods and oblige the German licence holder to exchange his licence after a period of 10 years. Or if, for example, a Swedish licence holder goes to live in Spain to enjoy some of his years as a pensioner, then he will be confronted with the Spanish legislation requiring regular medical checks and licence renewals, instead of the purely administrative renewal every 10 years in Sweden. This situation creates legal uncertainty and a lack of transparency. This has been expressed by complaints received by the Commission from hundreds of citizens.

The Commission also proposes to clarify national rules governing medical examinations by:

NEW!

- for drivers trucks and buses, harmonising the periodicity of these checks which would have to be carried out at each renewal process;

NEW!

- for drivers of cars and riders of motorcycles, Member States would be left free to carry out or not these examinations, but at the time of renewal only.

Current medical examinations rules in the Union

European legislation, through the 1991 Directive, lays down the minimum standards of physical and mental fitness for driving with which all licence holders have to comply at the time of obtaining their licence and thereafter. However much of the application of this rule is at present left to Member States.

For drivers of cars and motorcycles

No medical examination is at all imposed whether on getting the licence or thereafter. A medical examination is only prescribed in cases of doubt as to the applicant's ability to drive. National rules differ widely, three main approaches can be identified:

- no mandatory medical examination at all once the licence holder has obtained the initial driving licence;
- mandatory medical examinations from a certain age onwards; or
- mandatory medical examinations at 5 or 10-year intervals.

For drivers of buses and lorries

Periodic medical examinations are required by the Directive. The intervals between the examinations, however, are left to Member States to decide. In practice, all Member States impose regular medical examinations for this group of drivers, mostly in 5-year intervals.

3. Contributing to improved road safety

1. Introduction of a new driving licence category for mopeds

No licence is needed today to drive mopeds in the Union. However, accident figures show a highly increased risk of accident involvement of very young road users. In some Member States very young riders, as young as 14, are allowed to ride mopeds.

NEW!

The Commission proposes to introduce **a new harmonised licence category AM** and a **mandatory theory driving test** to better control this vulnerable group of road users and make them more aware of traffic requirements. It will also clarify the situation regarding moped riders crossing borders or renting a moped when on holiday.

The age limit for category AM should be **16 years**. However the Commission proposes that Member States may authorise access from the age of **14** having effect on national territory only.

2. Introduction of a power/weight criterion for light motorcycles (licence category A1)

NEW!

Light motorcycles are limited today to 125 cc and 11 kW. No power to weight ratio is imposed. This could lead to ever lighter vehicles, thus achieving steadily increasing acceleration and top speed possibilities. The Commission proposes that licence holders of category A1 only be allowed to drive light motorcycles with a cylinder capacity not exceeding 125 cubic centimetres, of a power not exceeding 11 kW and **with a power/weight ratio not exceeding 0.1 kW/kg**.

NEW!

It is not proposed to change the age limit for A1 licences which should remain at **16 years**. **All Member States will have to introduce this category of licences which existed in some Member States only.**

3. Reinforcing the principle of progressive access to the most powerful motorcycles

Current legislation allows many young riders without practical experience to ride the most powerful class of motorcycles. Accident statistics prove that the accident risk of novice riders of heavy motorcycles is particularly high under 24 years of age. It is moreover impossible to control whether any experience has effectively been acquired on a limited motorcycle. In the interest of road safety, the Commission thus proposes to **introduce new vehicle, minimum age and access criteria.**

NEW!

A new category A2 with new technical characteristics

The current category A, which is split at present into a limited and an unlimited part, will be split into two distinct categories "A2" and "A". An additional technical requirement to avoid "downtuning" of motorcycles is introduced for category A2.

- Category A2: motorcycles, with or without a sidecar, of a power not exceeding 35 kW, a power/weight ratio not exceeding 0.2 kW/kg and not derived from a vehicle of more than double its power.
- Category A: motorcycles with or without sidecar.

New minimum ages and access rules

For category A2, the Commission proposes to fix the minimum age at 18 years, which is current practice for this kind of motorcycles.

For category A, the Commission proposes:

NEW!

- for **progressive access** to raise **from two to three years the experience** which the applicant must have acquired on a motorcycle of category A2. The driver will also now have to pass a **specific practical test**. If these two conditions are met, he will be entitled to drive vehicles of category A from the age of **21**. The practical test will be limited to driving in traffic, without any manoeuvring and technical control requirements being imposed. Attention will focus on driving outside urban areas and on high-speed road infrastructure.

NEW!

- for **direct access** to raise the minimum age limit from the present **21 years to 24 years**.

Dangers and shortcomings of the current legislation on motorcycles

To be entitled to ride motorcycles exceeding a power/weight ratio of 0.16 kW/kg or a power of 25 kW, a driver is currently required to either have had 2 years of previous experience on a smaller motorcycle or to have reached the age of 21. Thus, within the current category A for motorcycles, a limited and an unlimited category have been created.

The limited category A is composed of many downtuned motorcycles. In many cases, manufacturers produce motorcycles for category A unlimited within the range of 300 cm³ to 1000 cm³ which they then artificially restrict to fall within category A limited. This so-called "downtuning" sometimes leads to the production of motorcycles with characteristics which are not consistent with the restricted power. Moreover, these motorcycles can also be tampered with before being ridden.

Furthermore, drivers can easily avoid the requirement of 2 years of practical driving experience simply by waiting two years after acquiring an "A limited" licence: for example, some applicants pass their examination at the age of 18, do not drive at all and then buy a heavy motorcycle when they reach the age of 20.

Member States can also waive the requirement of previous driving experience by granting direct access to unlimited motorcycles as of the age of 21. Almost all Member States allow for direct access. Therefore, applicants can wait until they reach the age of 21 and in practice many do since the smaller motorcycles are not deemed to be sufficiently attractive.

4. New trailer rules for car driving licences

The Commission proposes to change, for safety reasons, the current rule under which a simple car driving licence of category B allows to drive a vehicle-trailer combination of up to 3500 kg if the maximum authorised mass of the trailer does not exceed the unladen mass of the tractor vehicle.

The Commission proposes to introduce a **clear weight** limit rather than a tractor vehicle/trailer ratio. The new weight limit needs to be in line with technical requirements for trailers' braking systems, currently fixed at 750 kg.

NEW!

The Commission thus proposes that trailers with a maximum authorised mass exceeding 750 kg may only be driven with a B+E licence. A simple car licence will no longer be sufficient. This will only apply to holders of licences issued after the entry into force of this proposed directive.

Shortcomings of the current legislation on car/trailer combination

The current tractor vehicle/trailer ratio rule results in practical problems:

- drivers who change either the tractor vehicle or the trailer may be obliged to pass an additional examination for category B+E;
- some vehicle combinations, exceeding sometimes 10 metres in length, are currently allowed under a category B licence when they require indeed specific skills to be driven safely.

The Commission does not propose to change the age limits for driving cars and car/trailer combinations. They should remain at 18. However as far as cars as concerned, Member States may authorise access to category B from the age of 17 on national territory only, as is the case today.

5. Reinforcing the principle of progressive access to the most powerful trucks and lorries

New definitions

In the interest of safety, the Commission proposes to amend trucks and buses categories to:

- refer to the number of passengers and not the number of seats;
- bring the technical requirements for smaller trucks and buses in line with that of the market's vehicles, and make them mandatory categories throughout the Union.

NEW!

- Category C: motor vehicles used for the transport of goods, the maximum authorised mass of which exceeds 3500 kg and not transporting more than eight **passengers** in addition to the driver. They may be combined with a trailer under 750 kg.

NEW!

- Category C1: same as C but for motor vehicles with a maximum authorised mass not exceeding **6000 kg**. **All Member States would now need to introduce this category.**

NEW!

- Category D: motor vehicles for the transport of passengers with a capacity to transport more than 8 **passengers** in addition to the driver. They may be combined with a trailer under 750 kg.

NEW!

- Category D1: same as D but for motor vehicles with a capacity to transport not more than 16 passengers in addition to the driver and with a maximum length not exceeding seven metres. They may be combined with a trailer under 750 kg. **All Member States would now need to introduce this category.**

Shortcomings of the current legislation on lorries and buses

The categories for smaller trucks and buses, **C1 and D1 do not currently exist in every Member State**. These subcategories allow however for a better distinction between the biggest trucks and buses mostly used for commercial transport and the smaller ones used for different purposes. Their technical characteristics need to be amended. A C1 licence holder is allowed to drive vehicles ranging from 3500 to 7500 kg. Within these limits, two different types of vehicles are on the market. Vehicles with a mass of less than 6000 kg are not fitted with air brakes or suspension systems and are generally built on an extended chassis for B vehicles. Vehicles exceeding 6000 kg are fitted with air break/suspension systems and thus are more like smaller lorries and differ structurally from vans below 6000 kg. The existence of two technically very different types of vehicles in the same driving licence category leads to a number of unwanted effects. First of all, the licence holder is trained and tested on the smaller vehicle whereas he is also allowed to drive the bigger vehicle which needs different driving skills. Secondly, vehicles between 6000 and 7500 kg are derived from the 12000 kg category of lorries: they are thus easily overloaded.

The current definitions of all lorry and bus categories refer to the number of **seats**. This leads to a situation where a vehicle such as a bus with mainly standing passengers and only a few seats may be driven by a category B or D1 licence holder, instead of a category D licence holder.



NEW! As vehicles in the new mandatory categories **C1 and D1** will only differ in purposes (transport of goods or transport of passengers) but not in the skills and knowledge needed for driving them, the Commission proposes that **an equivalence between these categories be introduced**. A holder of a C1 licence should automatically be allowed to drive D1 vehicles and vice-versa provided minimum age requirements are respected.

New access rules

NEW! The Commission proposes to bring in line training, minimum age requirements and progressive access of non-professional drivers with that of professional drivers, as fixed by the new 2003 Directive on the initial qualification and periodic training of drivers. Progressive access has been established for these drivers. The same rules would thus apply for professional and non professional drivers.

To allow for progressive access to categories C1, C, D1, D and their respective trailer categories:

- C1 licences should be issued from the age of 18, licences of categories C from the age of 21;
- a similar distinction will be made for licences of categories D1 which should be issued from the age of 21, whereas licences of categories D should only be issued from the age of 24.

Overview of the new proposed licensing system

Category	General rule	Conditions	Exception rule
AM NEW!	16 years	Theory test NEW!	14 years possible on national territory only
A1	16 years	Theory and practical test	
A2 NEW!	18 years	Theory and practical test (no theory if NEW! holder category A1)	
A	21 years for progressive access if minimum 3 years experience on A2 vehicle. NEW!	Restricted practical test NEW!	
A	24 years for direct access NEW!	Theory and practical test	
B1	16 years	Theory and practical test	
B and B+E	18 years	Theory and practical test	17 years possible for B on national territory only
C1 and C1+E NEW!	18 years	Theory and practical test	For professional drivers other age and training requirements need to be complied with. For more information please see Directive 2003/59/EC ¹ NEW!
C and C+E	21 years	Theory and practical test	Idem. Younger minimum age possible for professional drivers see requirements in Directive 2003/59/EC. NEW!
D1 and D1+E NEW!	21 years	Theory and practical test	
D and D+E	24 years	Theory and practical test	

¹ JO L 226 du 10.09.2003 p 4

6. Probational licence for novice drivers

NEW!

The Commission proposes to allow Member States, if they so wish, to limit to **three years** the administrative validity of all driving licences issued for **the first time**. In this way, specific measures can be applied to novice drivers to allow them to acquire more experience.

7. Introducing minimum requirements for the initial qualification and training of driving examiners

There are no set standards on the training and education of driving examiners. They currently vary widely throughout the Union. In some Member States examiners have almost no specific education or do not even hold the driving licence for the category they are examining. This should no longer be possible. Since theory and practical tests have been harmonised in detail, the harmonisation of the minimum requirements for examiners would ensure that test results are comparable in the EU. A regular and adequate training of examiners should also have a positive impact on road safety by maintaining their skills and experience in an ever faster changing technical environment.

NEW!

The Commission thus proposes to set **basic conditions** for entering the profession of driving examiners and introduce **minimum standards for their initial qualification as well as regular refresher courses**:

- driving examiners should always have a valid licence for the category they are examining. They should have obtained an initial qualification and be obliged to participate in periodic training.
- they should be trained extensively on fundamental subjects and obtain an initial qualification before being allowed to examine. Progressive access should be mandatory. At first, examiners should test candidates for category B which account for 90% of all examinations and only after gaining experience on these tests and after obtaining additional qualification for other categories may they test candidates in other categories.

MEMO is prepared by the Information and Communication Unit of DG Energy and Transport

For further information

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