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REPORT

From : Presidency
to : Permanent Representatives Committee (part 1)

No. prev. doc. : 14980/05 TRANS 256 CODEC 1092
No. Cion prop. : 15820/03 TRANS 360 CODEC 1773

Subject : ***LAND TRANSPORT***
Proposal for a Directive of the European Parliament and of the Council on driving licences (Recasting)
- ***Political Agreement***

Content of the proposal

1. This proposal, presented by the Commission in December 2003, aims, through a harmonisation of national legislations pertaining to driving licences, to:
 - a) improve the free movement of Community citizens, by ensuring and facilitating mutual recognition of all licences (single driving licence model and limited administrative validity).
 - b) reduce the possibilities for fraud (plastic card model).
 - c) increase road safety¹.

¹ The practical effects of the new scheme should contribute to increased road safety in as far as they address the problem of "driving licence tourism" and fraud, and set minimum standards regarding obligatory medical checks for professional drivers, as well as qualifications and continuous training for driving examiners.

Proceedings in the Council and European Parliament

2. Pending Parliament's opinion, the Council achieved a general approach on this proposal at the TTE Council of 7 October 2004.
3. This general approach reflects in its scope and content largely that of the Commission proposal. Among the main features of the general approach it should be noted that within six years after the entry into force of the Directive, all new driving licences will be based on a harmonised "plastic card" model. All new driving licences will have a limited administrative validity, i.e. 10 years for motorcycles and cars and 5 years for trucks and buses. As regards existing driving licences, the Council's general approach contains no obligation regarding their exchange against a new driving licence.
4. On 23 February 2005 the European Parliament adopted its opinion in 1st reading which in substance features only a limited number of differences compared to that of the Council's general approach. One important difference relates to the obligatory exchange of existing licences, which is requested by the European Parliament.
5. In view of this state of affairs, the Luxembourg Presidency, under a mandate from COREPER, explored with the European Parliament the possibility of achieving a so-called "early second reading" agreement (evidently a pre-negotiated common position) by conducting a series of discussions in the form of informal dialogues.
6. During these meetings the two institutions reached a provisional compromise concerning the following key issues:
 - The reclassification of motor caravans and vehicle-trailer combinations (art. 4.4.b et al.);
 - The access regime to motorcycles (art. 4.3. et al.);
 - The one person one licence approach (art. 7.5 and art. 11.4);
 - The issue of the obligatory exchange of all existing driving licences documents (art. 3.3 et al.).

These compromises can be considered as a big step forward in the improvement of road safety in so far as:

- the driving of certain heavier motor vehicle - trailer combinations under a category B licence will be subject to additional training and/or practical testing, and
- access to heavier motorcycles (category A) will follow a "step-up" approach with an obligatory 2 year practical experience in a lower category, and direct access to category A motorcycles will be possible only at the age of 24 years.

With the compromises reached on Articles 7.5 and 11.4, additional provisions will be introduced in order to put an end to "driving licence tourism" within the Community.

7. The informal negotiations with the European Parliament were guided by a very constructive and cooperative spirit which is clearly reflected in the quality of the compromises reached. The EP TRAN Committee considers this new text and its compromise formulas as a package, which - if sent to the European Parliament as Common Position - could lead to a swift adoption in second reading. It is not to be expected that better results could be achieved if the Council decided to re-open the package and to enter into a conciliation procedure with the co-legislator.
8. The draft compromise text also contains a compromise formula on the "exchange" issue which ensured that, 26 years after the entry into force of this draft Directive, all driving licences in circulation will have to be in conformity with the "single European model". Additionally, the draft compromise text introduces a maximum administrative validity of 10 years for licences of categories AM, A1, A2, A, B, B1 and BE issued in accordance with this draft Directive.
9. The TTE Council of 27/28 June 2005 took note of a report on the state of affairs presented by the Luxembourg Presidency ², it being understood that the matter would be revisited - on the basis of the compromise achieved with the European Parliament - at a later Council meeting.

² docs. 10292/05 TRANS 124 CODEC 526 + ADD1

10. On 5 December 2005 the draft proposal was presented to the Council for adoption of a political agreement in the format of the compromise agreed with the European Parliament. Whilst the text could already be accepted by a large number of delegations, certain delegations considered it opportune to request an additional period of reflection before taking a final view on the matter. Therefore the Council decided to re-examine the possibility of reaching a political agreement at its next meeting.
11. In view of this state of affairs the Austrian Presidency and the Member States concerned explored the possibility of solving the few outstanding problems. During these negotiations it became clear that the compromise text, as it is reflected in the Addendum to this report, could be accepted if Member States were allowed to extend the administrative validity of the new driving licence document to 15 years. Therefore, the Presidency proposes to add the following provision to Article 7.2 (a)³:

As from [date fixed in Article 16 (2)], licences issued by Member States for categories AM, A1, **A2**, A, B, B1 and BE shall have an administrative validity of 10 years ➡ [...] Ⓞ

➡ **A Member State may choose to issue such licences with an administrative validity of up to 15 years.** Ⓞ

Whilst keeping the 10 years as the dominating principle, this additional provision allows a Member State to use a more flexible approach (15 years) with regard to the administrative document validity, if it wishes to do so.

The Austrian Presidency also informally contacted the European Parliament on this issue and expects the co-legislator's reaction within the days to come. Under the present circumstances the Austrian Presidency considers this would be the best possible solution, allowing for an early adoption of the draft Directive in second reading.

³ The full text of Article 7.2 is reflected in the Annex to this report.

12. In the light of the compromise package agreed with the European Parliament the Presidency also intends to amend recital 5 in such a way that the provisions of Article 2.2 are fully reflected. Recital 5 should therefore read as follows:

(5) Driving licences are mutually recognised. Member States should be able to apply the period of validity prescribed by this Directive to a licence **without a limited administrative validity** issued by another Member State and of which the holder has resided on their territory for more than two years.

Conclusions

13. COREPER is therefore invited:
- a. to once more examine the draft Directive as it was submitted to Council in December 2005 and as it appears in the addendum to this document and
 - b. to approve the new text proposals as they appear in points 11 and 12 above with a view to facilitating Council's political agreement on its common position at its session of 27 March 2006.

Article 7.2 should read as follows:

↴ new ➔ Council

➔ 2. ➔ (a) As from [date fixed in Article 16 (2)], licences issued by Member States for categories AM, A1, **A2**, A, B, B1 and BE shall have an administrative validity of 10 years ➔ [...] ➔

➔ A Member State may choose to issue such licences with an administrative validity of up to 15 years. ➔

(b) As from [date fixed in Article 16 (2)], licences issued by Member States for categories C, CE, C1, C1E, D, DE, D1, D1E shall have an administrative validity of 5 years.
 ➔ [...] ➔

➔ [...] ➔

➔ [...] ➔

➔ ➔ [...] ➔ ➔ (c) ➔ The renewal of a driving licence [...] may trigger a new administrative validity period for another category or categories the licence holder is entitled to drive, insofar as this is in conformity with the conditions laid down in this Directive. ➔

➔ ➔ [...] ➔ ➔ (d) ➔ The presence of a microchip pursuant to Article 1 shall not be a prerequisite for the validity of a driving licence. The loss or unreadability of the microchip, or any other damage thereto, shall not affect the validity of the document. ➔